

**CONSULTATION FROM COMMUNITIES AND LOCAL GOVERNMENT ON DRAFT
NATIONAL PLANNING POLICY FRAMEWORK**

To: **Cabinet**

Date: **27 September 2011**

From: **Executive Director: Environment Services**

Electoral division(s): **All**

Forward Plan ref: **N/a** *Key decision:* **No**

Purpose: **To consider the proposed County Council response to consultation from Communities and Local Government (CLG) on the draft National Planning Policy Framework (NPPF).**

Recommendation: **Cabinet is asked to:**

- a) Assess and comment on the draft response set out in Appendix A**
- b) Delegate to the Cabinet Member for Growth and Planning in consultation with the Executive Director: Environment Services the authority to amend the response for submission to CLG.**

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1. INTRODUCTION

- 1.1 This report highlights the current consultation from Communities and Local Government (CLG) on the draft National Planning Policy Framework (NPPF).
- 1.2 The views of Cabinet are sought on the draft response. Cabinet is asked to delegate the authority to amend this response to the Cabinet Member for Growth and Planning in consultation with the Executive Director, Environment Services. The response will then be submitted to CLG by 17th October.

2. BACKGROUND

- 2.1 As part of its reform of the planning system, the Government has issued the draft NPPF for consultation which aims to greatly simplify and reduce existing guidance. When finalised, this will replace more than one thousand pages of national policy to around 50 pages.
- 2.2 The consultation has been circulated widely within the Council and the response has been prepared with comments from a number of services. The issue has also received significant coverage in the national press, with bodies such as the National Trust and the Campaign for Rural England expressing concerns about elements of the NPPF and the related provisions of the Localism Bill.
- 2.3 This report gives a summary of the main issues raised by the consultation and the proposed County Council response is included in an Appendix to the report.

3. NATIONAL PLANNING POLICY FRAMEWORK

- 3.1 The Framework sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. It proposes potentially significant changes to the planning system, and while the intention is to maintain a plan-led approach, it is proposed that plans and decisions taken will need to reflect the new 'presumption in favour of sustainable development'. The aim is to ensure that the planning system takes a more positive approach and operates to encourage economic growth rather than act as an impediment. When finalised, the Framework will have the same legal status as current national policy documents.
- 3.2 The Draft Framework covers a number of areas including:
 - 1. *Presumption in favour of sustainable development* – The Framework outlines that this presumption should be at the heart of the planning system. Local planning authorities should plan positively for new development and approve all individual proposals wherever possible in line with Framework. Authorities should provide clear policies in Local Plans to guide how the presumption will be applied locally.
 - 2. *Neighbourhood Plans* – Neighbourhood Plans are being introduced through the Localism Bill and the Framework contains guidance on their preparation.
 - 3. *Duty to Cooperate* – The Localism Bill will introduce a Duty to Co-operate which will require public bodies to engage constructively, actively and on an

ongoing basis in the local planning process. The Framework states that this is particularly important in relation to strategic issues. It adds that local planning authorities should work collaboratively on strategic planning in consultation with Local Enterprise Partnerships to enable delivery of economic growth.

3.3 The Framework also contains guidance relating to a number of other issues including:

- *Housing* – The Framework states that the Government’s key housing objective is to increase significantly the delivery of new homes. Requirements are placed on local planning authorities to identify sufficient sites for at least five years’ worth of housing as identified through local evidence, including an allowance of at least 20% to ensure choice and competition in the market for land. Additional sites, or broad locations for growth, should be identified for a further 5 to 10 years’ housing supply.
- *Development management* – The Framework stresses the importance of pre-application engagement in the development management process.
- *Viability* – The Framework states that local councils should assess the cumulative impacts on development in their areas of all existing and proposed local standards and development requirements. The costs of these requirements should, when taking account of the normal cost of development and mitigation, provide acceptable returns to the landowner and developer to enable development to be deliverable.

4. PROPOSED COUNTY COUNCIL RESPONSE

4.1 The proposed County Council response raises a number of issues and the key issues are highlighted below:

- 1) *General comments* – The intention to produce a concise and accessible Framework to replace existing guidance is most welcome and should help to make the planning system more transparent and accessible for local communities, Councils and developers alike. However if there is a need to retain some supporting guidance around issues such as gypsies and travellers, tests of soundness, then this should be clearly signposted to ensure clarity and avoid confusion. A list of all superseded guidance would also be helpful. It will be important to ensure that there is sufficient guidance available to avoid too much ambiguity and Courts taking decisions on interpretations.
- 2) *Presumption in favour of sustainable development/duty to cooperate* – While we strongly support the principle of ensuring that planning does what it can to support sustainable economic growth, it will be important to ensure that there is real clarity on what constitutes ‘sustainable development’ and that the balance is maintained so as to ensure that the different strands of sustainable development, economic, social and environmental are considered equal and complimentary. Long-term economic success depends on maintaining quality of life perceptions, so social and environmental considerations remain critical. Further consideration of this would be welcome to ensure that the application of the ‘presumption’ will ensure that planning continues to act in the public interest through a plan led approach. In this regard, the relationship between the presumption in favour of sustainable development and the primacy of

locally-led development plans needs clarifying. This should help to ensure clarity between the national policy aspirations and how this works with Localism and communities' aspirations as expressed in local/ neighbourhood plans. We are pleased to see greater emphasis on importance of planning strategically across boundaries, and would welcome further emphasis on local planning authorities working effectively across administrative boundaries, and alongside county councils, to ensure that plans are supportive of sustainable economic growth and that new developments are located in places that can take advantage of existing infrastructure, particularly public transport. This is important given key role of Counties in many areas in terms of the role in supporting local aspirations on transport, infrastructure and community services. This was the central element of the Structure Plan adopted by Cambridgeshire and Peterborough in 2003 and which has served us well since then – a stronger statement of the importance of such collaborative working across tiers and across boundaries to reflect economic realities would be helpful.

- 3) Within the current planning system, the onus is on developers to supply information to demonstrate the acceptability of development proposals. However the Framework would require local planning authorities either to approve development or else to prove that the proposed development would 'significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole'. Applying this in practice would be difficult and could prove unduly onerous with Authorities having to approve or prove the harm (possibly needing to undertake further work to substantiate) and risk appeals. It is therefore considered that this needs reviewing and could be expressed in a more proportionate manner. It will also be worth noting that the Town and Country Planning Act requires Authorities to consider 'other material considerations' when considering development and this is a related element which is enshrined in law that needs recognition within the policy.
- 4) The Framework states that where local authorities have out-of-date plans or where plans are silent on certain matters, planning applications should be determined according to the Framework, including the presumption in favour of sustainable development. It is therefore important that the definition of sustainable development properly reflects the issues that local authorities need to consider when deciding applications (see below). There is a danger that authorities try and plan for every eventuality to anticipate which could impact on the desire for shorter plans which are produced quickly. There is also a risk in the timeframes envisaged, depending on where local planning authorities are in their cycle of local plan development, the timescales involved could be very challenging and leave them at risk of being exposed to the "presumption in favour" even if the developments in question were considered unsuitable. In the past, the Structure Plan approach gave a strong indication of where development should and should not take place, so those proposals that did not fit (such as Mereham) were not accepted by the local authorities and were not successful at appeal. In the absence of a good local plan, such developments could be consented. A little more time may therefore be needed to let the new system bed in.
- 5) *Definition of sustainable development* - The emphasis given in the Framework to planning for economic growth is strongly supported. However, it is important to ensure that the balance is properly maintained and that the different strands of sustainable development – economic, social and

environmental – are considered as equal and complementary. The definition also needs to recognise the important role that travel plays in planning for new development. At present no wider connections are made between planning for economic development and planning for housing and the environment, and the definition could lead to these issues being considered in isolation.

- 6) *Localism* – there appears to be little or no reference within the core planning principles to Localism and how this will apply. There is a need to achieve a balance between localism and the operation of the presumption in favour of development, to ensure that the draft NPPF will work in harmony with local communities' ambitions as expressed through local and neighbourhood plans and that development in unsustainable locations is avoided. Our proposal would be to suggest that the strategic level remains important (for consideration of energy, water and transport issues for example) and that the principle of devolving power to the lowest *appropriate* level (the subsidiarity principle) should apply here as in other areas. The primacy of neighbourhood plans may not always be appropriate.
- 7) *Urban regeneration* – The Framework needs to recognise the role that planning can play in urban regeneration. There is no clear statement of how planning can be used to transform cities and towns, renew unfit housing stock, attract new investment to an area and encourage new uses for previously-developed land in deprived areas. This is as much an issue for rural authorities, and the need for rural regeneration with remote market towns, as it is for large metropolitan areas.
- 8) *Local Plans* - The emphasis on a plan-led system is supported, as is the requirement for strategic priorities to be set by local authorities working in partnership. Local authorities - and the communities they serve - are best placed to develop the vision and planning strategies needed for their areas. We welcome the flexibility for local authorities to decide how many Documents are appropriate for their area rather than a 'one size fits' approach. The Framework should give more freedom to authorities to prepare the planning documents that they consider necessary for their areas, such as guidance governing the design of new waste management development, as Cambridgeshire and Peterborough have jointly prepared to support the Minerals and Waste Plan. Indeed the Cambridgeshire Structure Plan which was adopted in 2003 provided an important strategy for the County incorporating an integrated spatial planning approach. The principles of this remain just as important and valuable today. This was developed through a bottom up approach with the authorities working together to agree key locations for growth and economic development along with the supporting infrastructure necessary to ensure that development could be provided in the most sustainable locations in support of the longer term vision for the area. An integrated and collaborative approach is key, and it will be important to ensure that this is preserved, as in Cambridgeshire where the authorities are keen to work together to continue an integrated spatial planning approach in line with the principles first expressed in the 2003 strategy. It will be important therefore to ensure that the draft NPPF places stronger emphasis on the importance of integrated spatial planning' and a clear commitment to retaining this approach.
- 9) *Ensuring viability and deliverability* – While it is accepted that local authorities should not impose onerous requirements on developers that undermine the viability of new developments, the Framework could potentially reduce the

ability of local authorities to secure necessary gains to mitigate development impacts. Authorities must retain sufficient powers to secure benefits from new developments to ensure their long-term success and sustainability and make them acceptable to local people. Previously local authorities had to show that sites were deliverable. It is not clear that local authorities are best placed to judge “viability” of commercial sites. Further consideration needs to be given to how authorities work together to consider infrastructure requirements related to developments, to ensure that there is sufficient funding to deliver the related infrastructure and that we make best use of existing infrastructure. Counties and Upper tier authorities have a key role to play in supporting planning for infrastructure, and there needs to be closer working on viability issues to ensure that new provisions in the draft NPPF don’t limit the ability to secure funding for key infrastructure.

- 10) *Planning strategically across boundaries* – We welcome the strengthening of the duty to co-operate through the Localism Bill and agree about the importance of co-operation on planning issues that cross administrative boundaries. However, we consider that this section could be strengthened further to widen the scope of planning activities covered to fit more with the provisions of the Localism Bill, and encourage greater join up on strategic issues such as infrastructure, economic development, housing, and the environment in a co-ordinated way between local authorities and key partners. It should also encourage the cooperation of other bodies – such as infrastructure providers – which will be essential to effective strategic planning. Again, the 2003 Structure Plan has served us well in Cambridgeshire and Peterborough and we would like to see a stronger reference to the importance of planning at the scale of relevant economic geography, and to promote a joined-up approach which supports sustainable economic growth and makes best use of existing infrastructure. We would also welcome greater recognition regarding the need for engagement and co-operation by neighbouring local planning authorities when considering proposals and planning applications to ensure that such proposals are sustainable and do not create adverse impacts for the neighbouring authorities.
- 11) *Neighbourhood Plans* – Provisions for local communities to produce Neighbourhood Plans are strongly supported. However clarity is needed over the scope of the plans and the mechanisms for producing them, particularly as - when a Neighbourhood Plan is approved - its policies will take precedence over existing policies in the Local Plan, where they are in conflict. There is some confusion here in terms of conformity and precedence of plans and perhaps this could be overcome if there was a requirement on the local authorities to identify strategic policies which neighbourhood plans should comply with. Again, the principle of subsidiary should apply here. There also needs to be clarity regarding how the draft NPPF will enable and empower neighbourhoods planning for their areas through Neighbourhood Plans. To date there has been much emphasis on enabling ‘more development’ at the local level through provisions in the Localism Bill, but there is a lack of clarity as to how far neighbourhoods can propose less or different types of development where appropriate (and within the context of the system needing to deliver enough new homes overall) and how this might be reflected at the Local or Neighbourhood Plan level. It will be important to ensure that national planning policy provisions work in harmony with Localism, and that there is real potential for local communities to influence development for their areas.

In this regard, it would be helpful to see more reference to ensuring that Neighbourhood plans can be used to inform Local Plans from a bottom up and iterative approach so that communities are clear that they have a real influence on the future shape of their areas and that the planning system continues to support the wider public interest.

- 12) *Development management* – This section emphasises the need for early engagement in the planning application process which is positive. However, as currently drafted it focuses principally on local authorities – it should also refer to the need for developers to engage local people early on in developing their proposals and to take account of comments in preparing their schemes. There is also no mention of enforcement which is one of the key responsibilities of Authorities and needs recognition at national policy level.
- 13) *Housing* – The provision for local authorities to determine their own levels of housing development following the abolition of Regional Spatial Strategies is strongly supported. However, it is considered that this does not fit with the requirement in the Framework for the housing supply to include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land (and this should not include windfall sites unless there are exceptional local circumstances which require this). It is considered that local authorities should have the freedom to set their own allowances according to local market circumstances and the findings of local evidence (such as provided by our Strategic Housing Market Assessment).
- 14) *Sustainable communities* – The Framework is very supportive regarding issues such as planning for schools. While this is welcomed there needs to be clarity regarding how the Framework fits with the recently published ‘Planning for Schools Development’ policy statement, and ideally we would ask that the Framework incorporates this. This recently published statement highlights the need for local authorities, to give full and thorough consideration to the importance of enabling the development of state funded schools and apply the presumption in favour of sustainable development in this regard. It is therefore critical that the NPPF fully embraces this approach and sentiment to help guide local planning authorities and ensure full recognition to the importance of planning for schools from the earliest stages.
- 15) *Planning for waste*– Currently these issues are not covered in the Framework. It is stated that waste policies will be published alongside the National Waste Management Plan for England. The omission of waste planning advice from the Framework is disappointing and should be reconsidered. Planning for waste management is an essential part of sustainable development and should be seen as vital infrastructure for new and existing communities. Waste management facilities must be integrated with other forms of development. The Introduction states that waste policies will be published alongside the National Waste Management Plan for England, and that local authorities preparing waste plans should have regard to the Framework, but there is no equivalent message requiring general local authorities to have regard to waste management policies and plans when preparing their Local Plans. This requirement needs to be included, and would be best presented through a short section on waste so it is prominent and equal to other topics which are highlighted throughout the Framework.
- 16) *Planning for Gypsy and Traveller provision* CLG recently consulted on a draft Planning Policy Statement ‘Planning for Traveller Sites’ but this has not been incorporated within the Framework. It is considered that these issues need to

be addressed within the Framework as they will be essential to the sustainable planning of areas.

- 17) *Planning for places* – In line with the requirements of the Floods and Water Act, more specific mention should be made to the need for all developments to give priority to the use of sustainable drainage systems and not only those developments proposed in areas of flood risk.

- 4.2 The full proposed County Council response is included as Appendix A to this report.

5. ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING

Supporting and protecting people when they need it most / Helping people to live independent and healthy lives in their communities

- 5.1 The Framework will be important in securing new community development to help support local people, and also in enabling local communities to plan for the needs of their areas through Neighbourhood Plans. The draft County Council response stresses the need for the full range of impacts to be considered as part of new developments.

Developing our local economy for the benefit of all

- 5.2 The Framework places great emphasis on the need for sustainable economic growth and this is strongly supported. The draft County Council response stresses the need to consider the role of travel within the definition of sustainable development, so that strong links are made between housing and employment, enabling employment opportunities to be accessed by all.

Ways of working

- 5.3 It is considered that the Framework will help support many of the Council's ways of working, through:
- Transferring more freedoms to local authorities and local communities - *Being a genuinely local Council*
 - Helping provide services and community facilities – *Making sure services are provided in the right way*
 - Promoting closer working between public bodies – *Working together*

6. SIGNIFICANT IMPLICATIONS

Resource and Performance Implications

- 6.1 The Framework will have a number of implications for resources and performance. As outlined above, the Framework emphasises that authorities should not place burdens on developers that would make development unviable - while this is accepted there must be sufficient leverage for authorities to mitigate the impacts of new development and this is stressed in the draft response. The presumption in favour of sustainable development also risks transferring costs to authorities in relation to assessing the impacts

of proposals – this is also raised in the response.

- 6.2 Provisions in the Framework promoting joint working offer opportunities to share resources and skills between organisations and so reduce costs.

Statutory, Risk and Legal Implications

- 6.3 As outlined, the Framework is being developed to replace a large number of guidance documents and Government Circulars. When finalised, the Framework will have the same legal status as current national policy documents.

Equality and Diversity Implications

- 6.4 The Framework attempts to encourage access to services by all communities. However, as argued above, the Framework needs to do more to recognise the role of sustainable transport in linking new homes to employment opportunities. There is also little within the Framework that would promote the comprehensive regeneration of deprived areas, an issue that is of particular importance for Cambridgeshire's market towns.
- 6.5 Currently planning for Gypsy and Traveller provision is dealt with separately. It is argued in the response that this needs to be incorporated within the Framework

Engagement and Consultation

- 6.6 The County Council is being consulted on the Framework by CLG. Comments have been sought from a wide range of Council service areas and those received have been incorporated into the draft response.

Source Documents	Location
<ul style="list-style-type: none">• Draft National Planning Policy Framework (CLG, July 2011)• Draft National Planning Policy Framework (Consultation details) (CLG, July 2011)	<p>Development Strategy, CC1216, 2nd Floor 'A' Wing, Castle Court</p> <p>Also available to view from:</p> <p>http://www.communities.gov.uk/publications/planningandbuilding/draftframework</p> <p>http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation</p>

Appendix A – Draft County Council Response

Draft National Planning Policy Framework Proposed Comments from Cambridgeshire County Council

General Comments

1. Cambridgeshire County Council broadly supports the Government's review of planning policy guidance and its intention to produce a concise and accessible National Planning Policy Framework (NPPF). It is considered that this approach will help to make the planning system more transparent and accessible for local communities, Councils and developers alike.
2. It would be beneficial if the final Framework makes links to remaining Circulars and guidance so that the status of these is clear, and that there is clarity over what is superseded and what remains relevant in terms of guidance, e.g. there may be a need to retain guidance on 'Soundness of Plans', or Gypsy and Travellers. It will be important to ensure that there is sufficient guidance available to avoid too much ambiguity and Courts taking decisions on interpretations.
3. The historic environment generally could benefit from a higher profile throughout the Framework to ensure that the important principles and objectives expressed in NPPF para. 176 – That the historic environment is conserved and enjoyed for existing and future generations - are carried throughout the document. A simple way to achieve this would be to ensure that the frequent references to the 'built and natural' environment include the word 'historic' alongside.

Delivering sustainable development

4. Cambridgeshire County Council supports the principle of ensuring that planning does what it can to support sustainable economic growth. However it will be important to ensure that there is real clarity on what constitutes 'sustainable development' and that the balance is maintained so as to ensure that the different strands of sustainable development, economic, social and environmental are considered equal and complimentary. Further consideration of this would be welcome to ensure that the application of the 'presumption' will ensure that planning continues to act in the public interest through a plan led approach. In this regard, the relationship between the presumption in favour of sustainable development and the primacy of locally-led development plans needs clarifying. This should help to ensure clarity between the national policy aspirations and how this works with Localism and communities' aspirations as expressed in local/ neighbourhood plans.
5. Cambridgeshire County Council is pleased to see greater emphasis on importance of planning strategically across boundaries, and would welcome further emphasis on local planning authorities working effectively across administrative boundaries, and alongside county councils, to ensure that plans are supportive of sustainable economic growth and that new developments are located in places that can take advantage of existing infrastructure, particularly public transport. This is important given key role of Counties in many areas in terms of the role in supporting local aspirations on transport, infrastructure and community services. This was the central element of the Structure Plan adopted by Cambridgeshire and Peterborough in 2003 and which has served

us well since then – a stronger statement of the importance of such collaborative working across tiers and across boundaries to reflect economic realities would be helpful.

6. The presumption in favour of sustainable development needs to be carefully considered. While the need to secure sustainable economic growth is strongly supported, under the current system the onus is on developers to supply information to demonstrate the acceptability of development proposals. The Framework as currently drafted could require local planning authorities either to approve development or else to prove that the proposed development would 'significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole'. Applying this in practice would be difficult and could prove unduly onerous with Authorities having to approve or prove the harm (possibly needing to undertake further work to substantiate) and risk appeals. It is therefore considered that this could be expressed in a more proportionate manner. It will also be worth noting that the Town and Country Planning Act require Authorities to consider 'other material considerations' when considering development and this is a related element which is enshrined in law that needs recognition within the policy.
7. The relationship between the presumption in favour of sustainable development and the primacy of locally-led development plans also needs clarifying. This should help to ensure there is clarity between the national policy aspirations and how this works in harmony with Localism and communities aspirations as expressed in local/ neighbourhood plans
8. The Framework states that where local authorities have out-of-date plans or where plans are silent on certain matters, planning applications should be determined according to the Framework, including the presumption in favour of sustainable development. It is therefore important that the definition of sustainable development properly reflects the issues that local authorities need to consider when deciding applications (see below). There is a danger that authorities try and plan for every eventuality to anticipate which could impact on the desire for shorter plans which are produced quickly. There is also a risk in the timeframes envisaged, depending on where local planning authorities are in their cycle of local plan development, the timescales involved could be very challenging and leave them at risk of being exposed to the "presumption in favour" even if the developments in question were considered unsuitable. In the past, the Structure Plan approach gave a strong indication of where development should and should not take place, so those proposals that did not fit (such as Mereham) were not accepted by the local authorities and were not successful at appeal. In the absence of a good local plan, such developments could be consented. A little more time may therefore be needed to let the new system bed in.
9. *Definition of sustainable development* - The emphasis given in the Framework to planning for economic growth is strongly supported. However, it is important to ensure that the balance is properly maintained and that the different strands of sustainable development – economic, social and environmental – are considered as equal and complementary. The definition also needs to recognise the important role that travel plays in planning for new development. At present no wider connections are made between planning for economic development and planning for housing and the environment, and the definition could lead to these issues being considered in isolation.

10. While the Framework recognises that there is no necessary contradiction between increased levels of development and protecting and enhancing the environment, it should also emphasise that a high quality environment can act as a key attraction for investment and jobs to an area. Similarly, social development – such as the provision of affordable housing or education facilities – is crucial in ensuring that businesses can recruit the trained staff they need. It is important that these considerations are not lost in the new Framework.
11. The County Council supports the use of the planning system “to protect and enhance our natural, built and historic environment” and “mitigate and adapt to climate change” (NPPF para. 10).
12. The definition needs to recognise the important role that travel plays in planning for new development. At present no wider connections are made between planning for economic development and planning for housing and the environment, and the definition could lead to these issues being considered in isolation. Decisions about the location of new housing need to take into account not just the accessibility of local services, but also the availability of employment opportunities and how these can be accessed by sustainable means. Similarly, decisions about new employment development need to consider how employees can access these opportunities in a sustainable way. There needs to be an overarching statement that draws together the economic, social and environmental aspects of the definition and emphasises the importance of sustainable transport in connecting new developments and allowing everyone to access the opportunities that new growth provides.
13. It is considered that NPPF para. 16 needs to be amended. At present this states that development which will have a “significant effect” on sites protected under the Birds and Habitats Directives would not be sustainable development. This is stated without reference to whether the effect would be a positive or negative one. For example, the effect of minerals and waste development on or adjacent to such sites can be positive. The Cambridgeshire and Peterborough Mineral and Waste Core Strategy has recently been adopted. The strategic allocation in the Plan is immediately adjacent to the Ouse Washes (Site of Special Scientific Interest, Special Protection Area, Special Area of Conservation and Ramsar site). The restoration proposals for the site will create 480 hectares of complementary habitat adjacent to the Ouse Washes, and this has been supported by Natural England, the Royal Society for the Protection of Birds and other bodies. As written the draft Framework risks stifling such innovative and beneficial developments.

Core planning principles

14. The ‘Core Planning Principles’ (NPPF para. 19) need to recognise the role that planning can play in the regeneration of deprived areas. Although the conversion of existing buildings is mentioned, there is no clear statement of how planning can be used to transform cities and towns, renew unfit housing stock, attract new investment to an area and encourage new uses for previously-developed land. This is as much an issue for rural authorities, with remote market towns, as it is for large metropolitan areas. The need to promote the economic, environmental and social regeneration of deprived areas must be a core principle of the new Framework.

15. There appears to be little or no reference within the core planning principles to Localism and how this will apply. Therefore it would be helpful to see more reference and links to Localism to ensure clarity as to practical application.
16. The principle in bullet point 4 that *“in considering the future of land, planning policies and decision should take account of its environmental quality or potential quality regardless of its previous or existing use”* needs to take account of situations where contaminated land may constrain the future potential of a site.
17. The principle in bullet point 5 that *“planning policies and decisions should seek to protect and enhance environmental and heritage assets in a manner appropriate to their significance, and reduce pollution”* is strongly supported. However the reference in the second sentence to ‘land of lesser environmental value’ needs clarification as to what constitutes ‘lesser’. Derelict land, for example, is often rich in biodiversity value.
18. The principle in bullet point 6, regarding making the most effective use of land, promoting mixed-use developments and encouraging multiple benefits from the use of land is strongly supported.
19. Bullet point 8, regarding actively managing patterns of growth to make the fullest use of public transport, walking and cycling is strongly supported. However, this could be strengthened by adding reference to the need to provide green infrastructure and green networks.

Plan-making

Local plans

20. The emphasis on a plan-led system is supported, as is the requirement for strategic priorities to be set by local authorities working in partnership. Local authorities - and the communities they serve - are best placed to develop the vision and planning strategies needed for their areas. We welcome the flexibility for local authorities to decide how many Documents are appropriate for their area rather than a ‘one size fits’ approach. The Framework should give more freedom to authorities to prepare the planning documents that they consider necessary for their areas, such as guidance governing the design of new waste management development, as Cambridgeshire and Peterborough have jointly prepared to support the Minerals and Waste Plan.
21. Indeed the Cambridgeshire Structure Plan which was adopted in 2003 provided an important strategy for the County incorporating an integrated spatial planning approach. The principles of this remain just as important and valuable today. This was developed through a bottom up approach with the authorities working together to agree key locations for growth and economic development along with the supporting infrastructure necessary to ensure that development could be provided in the most sustainable locations in support of the longer term vision for the area. An integrated and collaborative approach is key, and it will be important to ensure that this is preserved, as in Cambridgeshire where the authorities are keen to work together to continue an integrated spatial planning approach in line with the principles first expressed in the 2003 strategy. It will be important therefore to ensure that the draft NPPF places

stronger emphasis on the importance of integrated spatial planning' and a clear commitment to retaining this approach.

22. This section needs to recognise that the local plan process does not end with the adoption of a plan. Policies need to be monitored to ensure that they are effective and to trigger any future plan review.
23. The statement that *"Supplementary planning documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate ..."* (NPPF para. 21) is not supported. Supplementary planning documents (SPDs) have a much wider role and can play a valuable part in contributing to the aims of the Framework. For example, Cambridgeshire County Council and Peterborough City Council are currently preparing an SPD on the design and provision of waste management infrastructure in residential and commercial developments. This will help to secure good design that ensures attractive, usable and durable places, a stated objective of the Framework. The Framework should allow local authorities the freedom to prepare SPDs that contribute to local objectives, at a local level or across County or wider geographical areas.
24. While it is recognised that *"Supplementary planning documents ... must not be used to add to the financial burdens on development"* (NPPF para. 21), local authorities must retain sufficient powers to secure multiple benefits from development based on the priorities identified by local communities. This is vital to ensure the long-term success and sustainability of new developments and make development acceptable to local people.
25. The list of strategic priorities in NPPF para. 23 should be supplemented by reference to green infrastructure in the fifth bullet point: *"... protection and enhancement the natural and historic environment, including landscape, the creation of green infrastructure networks and where relevant coastal management."* Green infrastructure is highly beneficial to the promotion of sustainable development and it is considered that this should be encouraged throughout the Framework.
26. The requirements in NPPF para. 24 for Local Plans to identify land which is genuinely important to protect from development and to contain a clear strategy for the environmental enhancement of an area is strongly supported. However, it would be helpful to clarify what is considered to be 'genuinely important' with regards to nature conservation. It is considered that 'genuinely important' should include: nature conservation sites of local, national and international importance; protected habitats; priority habitats and habitats that support priority species (Section 41, Natural Environment and Rural Communities [NERC] Act 2006); and local and national biodiversity action plan habitats and species.
27. It is important to ensure that the guidance for Local Plans includes all relevant considerations, including planning for the historic environment. Although this is mentioned in NPPF para. 23, it is suggested that NPPF para. 24, bullet point 5 should refer to the historic environment in a more positive way rather than suggest a 'constraint' map approach, something which can be both inefficient and ineffective. Delays and complications mainly arise when heritage matters are introduced at a late stage or when parties are not fully engaged with the process. This is best avoided by having clear positive guidance within local plans.

28. The statement at NPPF para. 26 that *“In the absence of an up-to-date and consistent [Local] plan, planning applications should be determined in accordance with this Framework, including its presumption in favour of sustainable development”* needs to be reconsidered. The publication of the Framework will lead to many authorities reviewing their plans and this will take time to progress through public consultation and adoption. While the need to have up-to-date plans is accepted, the Framework provides insufficient detail for local authorities with out-of-date local plans to thoroughly address many issues during the planning process and for clear guidance to be provided to developers. For example, how will the local authority decide what land is considered to be “genuinely important to protect from development”, as discussed above? It is also unclear what is meant by a ‘certificate of conformity’ and how this will be applied in this context and what status this would have in decision making.

Using a proportionate evidence base

29. It is considered that this section could usefully add reference to:
- Preliminary Flood Risk Assessments, Surface Water Management Plans and Flood Risk Asset Management Registers produced by Lead Local Flood Authorities.
 - Open space, sport, recreation and Green Infrastructure assessments (as referenced at NPPF para. 128).
 - Requirements for Unitary and County Councils to assess the need for minerals and waste management facilities (see also comments on waste management below at paragraphs 83 to 89).
 - The historic environment (following NPPF para. 37).
 - Renewable energy infrastructure (see comments below at paragraph 63).

Ensuring viability and deliverability

30. While it is accepted that local authorities should not impose onerous requirements on developers that undermine the viability of new developments, the Framework could potentially reduce the ability of local authorities to secure necessary gains to mitigate development impacts. Authorities must retain sufficient powers to secure benefits from new developments to ensure their long-term success and sustainability and make them acceptable to local people. Previously local authorities had to show that sites were deliverable. It is not clear that local authorities are best placed to judge “viability” of commercial sites. Further consideration needs to be given to how authorities work together to consider infrastructure requirements related to developments, to ensure that there is sufficient funding to deliver the related infrastructure and that we make best use of existing infrastructure. Counties and Upper tier authorities have a key role to play in supporting planning for infrastructure, and there needs to be closer working on viability issues to ensure that new provisions in the draft NPPF don’t limit the ability to secure funding for key infrastructure.
31. This section (NPPF para. 39 to 43) needs to recognise that development places burdens on public services and infrastructure that need to be met. The Framework should not provide a means for developers to avoid any reasonable contribution to local objectives and should make it clear that local authorities will be justified in refusing development without necessary infrastructure that cannot

be funded. Any assessment of viability must include an assessment of the price paid for land, in addition to the normal cost of development and on-site mitigation; inflated land values should not be used as a reason to avoid contributing towards necessary infrastructure to serve new developments.

Planning strategically across boundaries

32. We welcome the strengthening of the duty to co-operate through the Localism Bill and agree about the importance of co-operation on planning issues that cross administrative boundaries. However, we consider that this section could be strengthened further to widen the scope of planning activities covered to fit more with the provisions of the Localism Bill, and encourage greater join up on strategic issues such as infrastructure, economic development, housing, and the environment in a co-ordinated way between local authorities and key partners. It should also encourage the cooperation of other bodies – such as infrastructure providers – which will be essential to effective strategic planning. The 2003 Structure Plan has served us well in Cambridgeshire and Peterborough and we would like to see a stronger reference to the importance of planning at the scale of relevant economic geography, and to promote a joined-up approach which supports sustainable economic growth and makes best use of existing infrastructure. We would also welcome greater recognition regarding the need for engagement and co-operation by neighbouring local planning authorities when considering proposals and planning applications to ensure that such proposals are sustainable and do not create adverse impacts for the neighbouring authorities.
33. It is suggested that these paragraphs could be strengthened in a number of areas:
- The Framework focuses on the preparation of local plans, but the Localism Bill includes the preparation of other local development documents and any activities that support strategic planning work, which could include initial surveying, monitoring and review and the preparation of Supplementary Planning Documents in relation to issues such as infrastructure, economic development, housing and the environment. (Please see comments in paragraph 20 above, regarding Supplementary Planning Documents.) These paragraphs should be amended to reflect this wider role.
 - The statement in NPPF para. 45 that *“In two tier areas, county and district authorities should cooperate with each other on relevant issues”* is supported. Reference should also be made to the role of County Councils in two tier areas in planning for minerals and waste (see also paragraph 84) where the Local Planning Authority differs from the Minerals and Waste Planning Authority.

Examining Local Plans

34. The tests of soundness for local plans (NPPF para. 48) are welcomed. The test of effectiveness could also usefully refer to the need for the plan to be monitored and to provide flexibility in the face of changing circumstances (as referenced in NPPF paras. 24 and 73). The test of consistency with national policy also needs to reflect policy for waste management (see separate comments in paragraphs 83 to 89 below), existing Circulars which will not be superseded (see comments at paragraph 2 above) and National Policy Statements (as referenced para. 31).

35. The test for plans to be ‘positively prepared’ is supported. The requirement to reflect unmet needs from neighbouring authorities where it is practical to do so emphasises the importance of the Duty to Cooperate and the need for local authorities to work together to address strategic issues.

Neighbourhood Plans

36. Provisions for local communities to produce Neighbourhood Plans are strongly supported. However clarity is needed over the scope of the plans and the mechanisms for producing them, particularly as - when a Neighbourhood Plan is approved - its policies will take precedence over existing policies in the Local Plan, where they are in conflict. There is some confusion here in terms of conformity and precedence of plans and perhaps this could be overcome if there was a requirement on the local authorities to identify strategic policies which neighbourhood plans should comply with. Again, the principle of subsidiary should apply here.
37. There also needs to be clarity regarding how the draft NPPF will enable and empower neighbourhoods planning for their areas through Neighbourhood Plans. To date there has been much emphasis on enabling ‘more development’ at the local level through provisions in the Localism Bill. But there is a lack of clarity as to how far neighbourhoods can propose less or different types of development where appropriate (and within the context of the system needing to deliver enough new homes overall) evidence supports in relation to need, and how this might be reflected at the Local or Neighbourhood Plan level. It will be important to ensure that national planning policy provisions work in harmony with Localism, and that there is real potential for local communities to influence development for their areas. In this regard, it would be helpful to see more reference to ensuring that Neighbourhood plans can be used to inform Local Plans from a bottom up and iterative approach so that communities are clear that they have a real influence on the future shape of their areas and that the planning system continues to support the wider public interest.
38. The provision for local authorities to prepare Neighbourhood Plans (NPPF paras. 49 to 52) is strongly supported. It will need to be made clear how far requirements for preparing Local Plans (such as the need to take account of unmet requirements from neighbouring areas or the need for proportionate evidence) also apply to the preparation of Neighbourhood Plans.
39. It is noted that *“Local Plans may require a variety of other environmental assessments”* (NPPF para. 35). Neighbourhood Plans, particularly within neighbourhoods that utilise their power to promote more development than is set out in the strategic policies of the Local Plan, are also likely to require environmental assessment and as such, this should be reflected within the Framework. The full environmental assessment of Neighbourhood Plans will be especially important given the statement at NPPF para. 51 that *“When a neighbourhood plan is made, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.”*

Development management

40. The statement that local planning authorities need to “*attach significant weight to the benefits of economic and housing growth*” (NPPF para. 54) is supported. However, this needs to be balanced with the requirement to protect and enhance the environment. Further clarification should be given as to what ‘significant weight’ means. This will be of particular importance if the Framework is to become the principal means of determining applications in areas without up-to-date local plans.
41. This section needs to promote the effective integration of the development management process with other consent regimes, such as the approval of Sustainable Drainage Systems (SuDS) by Lead Local Flood Authorities.

Pre-application engagement and front loading

42. This section could usefully refer to the Community Strategies that local authorities produce that may strongly encourage pre-application community engagement.
43. As currently drafted this section focuses principally on local authorities – it should also refer to the need for developers to engage local people early on in developing their proposals and to take account of comments in preparing planning applications. This is referred to in NPPF para. 122 in relation to design, but developers need to address the full range of impacts their schemes may have.
44. This section could usefully include specific reference to historic environment and the need for early engagement. A major cause of delays under the current system has been a lack of early engagement, as developers may not otherwise realise the implications for the historic environment of their proposal until quite late in the planning application process.

Planning for prosperity

Business and economic development

45. The ‘Planning for Prosperity’ section could benefit from reference to promoting heritage tourism and heritage spending. Research by English Heritage and others has shown that heritage is a key driver in economic growth, so by realising this as part of the planning process, the maximum benefits can be achieved.
46. NPPF paras. 73 to 75, setting out how local authorities should support economic development, are strongly supported. NPPF para. 73 could usefully refer to Local Economic Assessments that strategic authorities are required to produce.
47. NPPF para. 75 could be improved by stating, “*Where market interest is limited planning policies should avoid the long term protection of employment land or floorspace and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.*”

Minerals

48. The requirement in NPPF para. 102 (bullet point 2) for local authorities to ensure that large landbanks bound up in very few sites do not stifle competition is unworkable and should be deleted. Minerals planning authorities do not control land ownership (which can change at any time) or the options on mineral extraction taken out by the mineral industry. Cambridgeshire and Peterborough have allocated large sites in the past and one has been delivered by a single company whilst others are being delivered by numerous companies. In identifying the future need for aggregate Cambridgeshire and Peterborough have taken into account the capacity to produce mineral, rather than the size of the landbanks alone. If this is what is intended then it should be more clearly explained.
49. This paragraph refers to *“unacceptable adverse impacts”* in bullet point 6. This is stated again in NPPF para. 103, bullet point 2. It would be helpful to have clarification of this term.
50. The inclusion of the need to safeguard economic mineral and essential mineral related infrastructure is welcomed (NPPF para. 102, bullet points 3, 4 and 5).
51. The County Council supports the requirements for local authorities to *“put in place policies to ensure 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, including for agriculture, biodiversity, native woodland and recreation”* (NPPF para. 102, bullet point 7). Links with landscape scale benefits, including green infrastructure, should also be recognised.

Transport

52. NPPF para. 82 states: *“Transport policies have an important role to play in facilitating development but also contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel”*. NPPF para. 83 states: *“Where practical, encouragement should be given to solutions which ... reduce congestion.”* These objectives are strongly supported. It is considered that these points could be strengthened through deletion of the words *“Where practical.”* It is also important to ensure that transport is considered as a key part of sustainable development (see comments at paragraph 7 above).
53. NPPF para. 90 states: *“A key tool to facilitate this will be a travel plan. All developments which generate significant amounts of movement, as determined by local criteria, should be required to provide a travel plan.”* This is supported, as is the flexibility for local authorities to choose their own thresholds.
54. It is essential in creating sustainable development that a balance of land uses be achieved. This should be articulated clearly in the text. It is suggested that NPPF para. 91 be redrafted to read: *“planning policies must aim for a balance of land uses within their areas...”*
55. The County Council supports the principle that primary schools should be within walking distance of most homes, especially for large-scale developments (NPPF para. 92).

Communications infrastructure

56. The statement at NPPF para. 96 that *“local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband”* is supported.

Planning for people

57. The ‘Planning for People’ section should include reference to archaeology and heritage in providing ‘sense of place’ to new communities (in line with existing guidance in Planning Policy Statement 5) and also promote the amenity value of heritage sites as part of rural development and green planning.

Housing

58. The provision for local authorities to determine their own levels of housing development is strongly supported. It is considered that this increased freedom does not fit with the requirement in NPPF para. 109 for the supply to include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land. It is not clear how this figure has been arrived at and it is considered that local authorities should have the freedom to set their own additional allowances according to local market circumstances and the findings of Strategic Housing Market Assessments.

Design

59. The requirement at NPPF para. 116 that planning decisions should *“respond to local character and reflect the identity of local surroundings, while not preventing or discouraging appropriate innovation”* is supported. However, this appears to contradict the statement in NPPF para. 151 that: *“Local planning authorities should not refuse planning permission for well-designed buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape ...”*
60. The requirement in NPPF para. 119 for local authorities to look wider than individual buildings to the connections between people and places and the integration of new development into the natural, built and historic environment is supported. This paragraph could usefully refer to the role of green infrastructure can play in achieving these aims.
61. The requirement for local authorities to have local design review arrangements in place (NPPF para. 120) to ensure high standards of design is supported. However, it needs to be recognised that this will have resource implications for local authorities.
62. The County Council strongly supports the approach outlined in NPPF para. 122 which states that developers will be expected to work closely with local people in the design of new developments. The statement that where proposals have been developed on this basis they should be looked on favourably is supported. For example, in the development of schools, this approach will encourage school promoters to work closely in shaping their design proposals to reflect not only their aspirations and vision, but also to reflect the vision and aspirations of the community, providing a sense of ownership and community focus to the resulting development. However, it is important that local communities have an

opportunity to shape all aspects of development proposals, not only design (see also comments at paragraph 33 above).

63. NPPF para. 123 appears to minimise the control of outdoor advertisements. It is considered that this should be examined closely as advertisements can have a significant impact on the local environment and streetscape.

Sustainable communities

64. The general tone and focus of NPPF para. 127 regarding planning for schools is very supportive of the need to promote schools and recognises them as being important community resources which should be encouraged and supported through the planning process. This recently published statement highlights the need for local authorities, to give full and thorough consideration to the importance of enabling the development of state funded schools and apply the presumption in favour of sustainable development in this regard. It is therefore critical that the NPPF fully embraces this approach and sentiment to help guide local planning authorities and ensure full recognition to the importance of planning for schools from the earliest stages.
65. Having this positive presumption - while not over-riding other policy objectives such as securing good design – provides, in consultation with the planning authority, more confidence in the development of planning applications for schools. By promoting schools development in this way, where more effective consultation is undertaken, school promoters will be better able to develop schools that address their core principles and educational aspirations, which will ultimately provide better community resources.
66. It would be helpful to clarify how the recently issued policy statement ‘Planning for Schools Development’ is intended to fit with regard to the draft Framework.
67. NPPF para. 131 states that, regarding Local Green Space, *“the designation should only be used: where the green space is in reasonably close proximity to a centre of population or urban area.”* It would be helpful to clarify the meaning of ‘reasonably close’.
68. Bullet point 2 states: *“where the green area is demonstrably special to a local community and holds a particular local significance because of its beauty, historic importance, recreational value, tranquillity or richness of its wildlife.”* It would be helpful to have clarification regarding the meaning of ‘demonstrably special.’

Green Belt

69. This section appears to largely reflect existing guidance in Planning Policy Guidance Note 2 and is supported.
70. NPPF para. 139 on reviewing Green Belt boundaries should refer to the need for local authorities to work together where the impacts of a Green Belt review are likely to cross boundaries. Green Belt reviews were previously considered within the framework of regional and structure plans and there is a need to consider this issue as part of the Duty to Cooperate.

Planning for places

Climate change, flooding and coastal change

71. While recognising that the intention of the document is to introduce a more straightforward and simplified approach to planning legislation, it is considered that the Framework lacks sufficient detail to guide local planning authorities in addressing issues on climate change, flooding and coastal change and too much of the document is left open to interpretation. This endangers the delivery of any meaningful outcomes and improvements in the environmental standards of new development.
72. Good progress has been made in recent years in delivering environmental improvements by setting out the standards that new developments are required to deliver, for example, improvements in the domestic sector delivered by way of the Code for Sustainable Homes. It would be helpful to have more clarity in the Framework regarding how the objectives and aspirations should be achieved. If too much is left open to interpretation this may actually hinder the planning process and development management.
73. The objectives in NPPF para. 148, for example, to minimise vulnerability and provide resilience to impacts arising from climate change and avoid inappropriate development in areas at risk of flooding are ambiguous. Is the intention to make developments safe from current levels of flood risk or projected future levels taking into account the impacts of climate change? If so, over what timescales should the impacts be considered, and what are the critical thresholds to which developments should be made resilient?
74. The County Council welcomes the recommendations for supporting the delivery of renewable energy and the presumption in favour of sustainable development in NPPF paras. 152 and 153. The provision for local authorities to identify suitable areas for renewable and low-carbon energy sources will require the development of evidence to support this. This should be recognised in the section on 'Using a proportionate evidence base' (see comments at paragraph 22 above).
75. The Council welcomes the recommendation that new developments should be designed to avoid increased vulnerability to impacts arising from climate change (NPPF para. 154). However, it would be of benefit if the framework outlined (in an appendix or supporting guidance) the key vulnerabilities and impacts arising from climate change that new development should anticipate addressing.
76. The Council supports the recommendations to apply a sequential and risk-based approach to avoid flood risk (NPPF para. 156). However, to support local authorities in taking account of the uncertainty over future climate impacts, it would be useful for guidance to include an indication of precautionary sensitivity ranges for peak rainfall intensity and river flow (as currently included in Appendix B of the current Planning Policy Statement 25).
77. It is considered that the framework should include greater emphasis on the application and utilisation of Sustainable Drainage Systems (SuDS) in the management of flood risk for local planning authorities which will be required in the vast majority of new developments in line with the Floods and Water Act requirements (NPPF para. 157).

Natural environment

78. The requirement that *“local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites”* (NPPF para. 166) is supported. However, it is unclear what ‘protected wildlife sites’ means, given that local sites are not statutorily protected. It is recommended that this criterion be extended to include all international, national and local sites of importance for biodiversity (as defined within the glossary of the draft Framework). In addition, it should include criteria for any development on or affecting protected species, rare and notable species and priority species populations (Section 41 list, NERC Act 2006) and local biodiversity action plan species.
79. The reference to Government Circular 06/05 in NPPF para. 166 is welcomed. This Circular provides very good guidance to local authorities on the protection of the natural environment through the planning system. As stated above in paragraph 2, it would be helpful for the Framework to include clear reference to the status of remaining Circulars.
80. The County Council supports the guidance that local planning authorities should *“aim to conserve and enhance biodiversity”* when determining planning applications (NPPF para. 169). It is considered that the Framework could actively seek to promote biodiversity by amending bullet point 3 to read: *“opportunities to incorporate biodiversity in and around developments should be actively explored”*.
81. It is disappointing that there are no principles relating to the protection and enhancement of national and local sites of importance for biodiversity (as defined within the glossary), nor is there consideration of protected habitats or protected, rare and priority species (Section 41, NERC Act). It is considered that these should be included to ensure that our valuable natural environment is protected, particularly when the Framework will be used by local authorities as a replacement for out-of-date local plans.
82. The requirement for planning policies to map components of local ecological networks is supported (NPPF para. 168, bullet point 2). This section could usefully make reference to green infrastructure. In addition, one of the largest contributions to landscape scale and other habitat creation is made through the restoration of mineral sites. A specific reference to including habitat creation following mineral extraction would be useful in this bullet point.
83. NPPF para. 168, bullet point 3 could refer to promoting *“the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations, linked to international, national and local targets.”* The Government has international obligations under the Habitats Directive which involve the creation of new habitat (such as adjacent to the Ouse Washes in Cambridgeshire).
84. NPPF para. 170 needs to recognise that development may have positive effects on sites protected under the Birds and Habitats Directive (see also comments at paragraph 8 above).

Historic environment

85. The County Council welcomes the Government's continuing commitment to the conservation and enjoyment of the historic environment; however, it is considered that the statement in NPPF para. 176 does not recognise the fact that heritage assets are unique and irreplaceable. The latter in particular is what sets them apart from other material considerations in that it is not possible to recreate a heritage asset. In this regard the use of the word 'irreplaceable' in NPPF para. 183 is strongly supported.
86. The section deals with designated and non-designated assets, thus covering listed buildings, scheduled monuments, conservation areas and archaeological sites. This is in line with Planning Policy Statement 5, but the co-ordination of the definitions in that document was in anticipation of the Heritage Bill that would create a single designation regime. This has not been (and is unlikely to be) forthcoming, so the problems with this approach can no longer be overlooked. NPPF para. 183, for example, talks about the impacts of proposed development on designated assets: this includes scheduled monuments, and while the paragraph does state that the higher the designation the greater the justification, this would appear to be contrary to the Ancient Monuments & Archaeological Areas Act 1979. While any development impacting on a Scheduled Monument requires separate consent, it seems unhelpful to set differing pieces of legislation against each other. The County Council would therefore prefer explicit reference to be made to the 1979 Act here.
87. One key improvement of Planning Policy Statement 5 over previous guidance was the inclusion of public engagement with the assessment of heritage significance. This was a new policy and greatly beneficial to the involvement of local people with their heritage. This 'local' aspect appears to have been lost in the Framework, and while it may be possible to include this in the Local Plan, the Council considers that the benefits that arise from this approach should be stated at a national level.
88. NPPF para. 178 usefully sets out the advantages provided by heritage assets to development, but should include the requirement for authorities to be aware of the heritage assets within their boundaries and to actively seek out and make best use of these assets in the way described.
89. Whilst the reference to Historic Environment Records (HER) in NPPF para. 180 is welcome, the value of HER data is greatly enhanced by the interpretation of that data. This interpretation should be undertaken by a skilled professional, and local authorities should have access to that skill, as well as to the raw data.
90. NPPF para. 185 would benefit from being tightened up, and for the requirements for information to permit the judgement described in the paragraph to be more clearly defined.
91. NPPF para. 191 - 'Contribute to knowledge and understanding of the past' - refers to information being publically accessible (and could benefit from explicit reference to HERs) but the requirements for developers here could usefully include more explicit reference to public benefit. The process set out in this paragraph also needs to be more clearly defined in order to avoid confusion and delay for developers and local planning authorities, which can be one of the main areas for delay with development. If the development process is to be

accelerated to promote growth, then procedures that are to be followed as part of that process should be tightened to ensure efficiency and clarity for local planning authorities and developers alike.

92. It is understood that the English Heritage guidance for Planning Policy Statement 5 will be revised and reissued in response to the Framework and the Council would recommend clearer connections to be made between the two documents.

Additional Comments

Planning for Gypsy and Traveller provision

93. It is considered that the 'Planning for Traveller Sites' Planning Policy Statement should be incorporated within the Framework when finalised. It is recommended that a flexible approach to site provision should be adopted. (Please see comments submitted by the Cambridgeshire authorities to the recent Planning for Traveller Sites consultation.)

Planning for waste

94. The omission of waste planning advice from the Framework is disappointing and should be reconsidered. Planning for waste management is an essential part of sustainable development and should be seen as vital infrastructure for new and existing communities. Waste management facilities must be integrated with other forms of development and the omission of this issue from the Framework should be reconsidered.
95. The Introduction states that waste policies will be published alongside the National Waste Management Plan for England, and that local authorities preparing waste plans should have regard to the Framework, but there is no equivalent message requiring general local authorities to have regard to waste management policies and plans when preparing their Local Plans. This requirement needs to be included, and would be best presented through a short section on waste so it is prominent and equal to other topics which are highlighted throughout the Framework.
96. In the Department of Environment, Food and Rural Affairs' (Defra) letter dated February 2011, which outlined the Department's intentions to transpose the revised Waste Framework Directive (rWFD), it indicated that it would "*update national planning policy to reflect the hierarchy and require local authorities to have regard to the hierarchy in the preparation of waste development frameworks in England and, in Wales, local development plans and regional waste plans.*" However, as stated in the draft Framework, waste planning policy will be published alongside the National Waste Management Plan that will be produced by Defra in accordance with Article 28 of the rWFD.
97. The recently published Government Review of Waste Policy in England 2011 Action Plan indicates in action 47 that the National Waste Management Plan will be delivered by spring 2011. However, Communities and Local Government (CLG) is not listed as a main actor in the development of this document. It is essential that there is close collaboration between CLG and Defra if the framework is to be robust, enable development of the waste management facilities that are needed to deliver the Government's 'zero waste' aspirations

and meet our obligations under EU directives. A lot of good work has been undertaken in relation to waste planning policy and Defra and CLG will need to work together to ensure that the Framework and waste planning do not become disjointed.

98. In order to ensure effective cross-border working, there will need to be a system that will replace the Regional Spatial Strategies. It was acknowledged in the consultation that many respondents saw the need for cooperation on a greater than local basis between the authorities, but the draft policy did not indicate how this will be addressed.
99. Lastly, it is indicated in the draft Framework that good design is indivisible from good planning. The Cambridgeshire and Peterborough Design Guide provides advice on the design and provision of waste management infrastructure for residential and commercial developments. This guide will become a Supplementary Planning Document (SPD) to the Cambridgeshire and Peterborough Minerals and Waste Plan. As stated in paragraph 16 above, the Framework should include the provision to allow other counties and partnerships to develop similar documents so that waste infrastructure is fit for purpose, encourages the treatment of waste up the waste hierarchy and adheres to the requirements in the WFD.
100. Government will need to ensure it works together so that waste planning does not become disjointed from the overall planning framework.

Glossary

101. 'Conservation' - the definition for conservation within the glossary solely refers to heritage assets. This should be extended to include the usage of the word in following contexts:
- Conservation of wildlife and cultural heritage (paragraph 167)
 - Geological conservation interests (paragraph 168)
 - Nature conservation (paragraph 175)
102. It would also be helpful if the glossary includes definitions for:
- Biodiversity (referenced within paragraphs 102, 135, 164, 167-169)
 - Green infrastructure (referenced within paragraphs 154 and 167)