



Mendip Hills AONB Unit's comments on DCLG consultation on the Draft National Planning Policy Framework

A – Key Changes sought:

<p>1.Conservation and enhancement of natural beauty</p> <p>Supporting established planning principles</p> <p>Paragraph 167</p>	<p>The Mendip Hills AONB Unit is pleased that the dNPPF includes specific statements about the status and importance of our designated landscapes: National Parks and Areas of Outstanding Natural Beauty (AONBs).</p> <p>In the process of reducing all national planning policy to a short summary, there has inevitably been a loss of context, detail and nuance.</p> <p>We consider that the third bullet point of this paragraph significantly weakens current policy and is not consistent with the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000.</p> <p>Consequently the Government should include policy drawn from PPS7 on National Parks and AONBs as having the highest level of protection.</p> <p>Also, the AONB Unit feels strongly that the dNPPF should be consistent with legislation as it applies to nationally protected landscapes such as Areas of Outstanding Natural Beauty. The statutory duty on local authorities and others is the duty to 'conserve and enhance' the natural beauty of such areas.</p> <p>We consider the dNPPF should give a clearer presentation of the Silkin Test for major development and provide further clarification by including a definition of 'major' and the 'national interest'.</p>
<p>Proposed text changes</p>	
<p>Sub head before 167</p>	<p>Replace 'protect' with 'conserve and enhance'.</p>



<p>Para 167 Bullet 1</p>	<p>Amend as follows; “ Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. <u>Landscape and ecosystem services assessments can support the delivery of multi functional land use in support of wider sustainable objectives</u>”</p>
<p>Para 167 Bullet 3</p>	<p>Amend as follows: “take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality <u>agricultural land</u> in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations or the Local Plan’s growth strategy and where poorer quality land is unavailable or unsuitable”</p>
<p>Para 167 Bullet 4</p>	<p>Amend as follows: “give great weight to <u>the conservation and enhancement of natural beauty</u> protecting landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty <u>respecting the highest status of protection afforded to them for their landscape and scenic beauty.</u> The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight”</p>
<p>Para 167 Bullet 4</p>	<p>Amend as follows: “Planning permission should be refused for major <u>significant</u> development in designated areas except in exceptional circumstances where <u>there is an over riding</u> it can be demonstrated they are in the national public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> • 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 • the cost of, and scope for, developing elsewhere



	<p>outside the designated area, or meeting the need for it in some other way; and</p> <ul style="list-style-type: none"> any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.
<p>Para 167</p>	<p>Insert additional bullet as follows:</p> <p><u>“Ensure that development within (or affecting the setting of) National Parks, the Broads and Areas of Outstanding Natural Beauty, meets a significantly higher test to positively demonstrate how it contributes to the conservation and enhancement of character, cultural heritage, biodiversity and natural beauty of the protected landscapes.</u></p>
<p>Page 57 Glossary</p>	<p>Further entries should be added to the glossary:</p> <p><u>National Parks and other nationally designated landscapes should be taken into account in the consideration of development proposals outside their boundaries, and</u></p> <p><u>National Park and AONB Management Plans should be referenced as key local documents.</u></p>
<p>2. The need to include a policy frame for the setting of protected landscape</p>	<p>The Mendip Hills AONB Unit is disappointed that the setting of protected landscapes is not currently included in the dNPPF.</p> <p>We wish to see an explicit statement about the merit of protecting the setting of protected landscapes. This is becoming critical as Regional Spatial Strategies are abolished as many of these refer to such settings (and local plans have deliberately not done so to avoid repetition of policies at the regional level).</p> <p>The setting of designated landscapes is a vital consideration for planning decisions likely to have an impact on the character and distinctiveness of an AONB. Numerous large scale development proposals just outside the Mendip Hills AONB are currently causing great concern regarding impact on views from and to the designated landscape.</p>



	<p>The Mendip Hills AONB Unit supports inclusion in the dNPPF of a statement on the setting of designated areas consistent with the governments National Policy Statements:</p> <p><u><i>Developments outside nationally designated areas which might affect them</i></u> <u>The duty to have regard to the purposes of nationally designated areas applies when considering applications for development proposals outside the boundaries of these areas which may have impacts within them. The aim should be to avoid harmful impacts on the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.</u></p>
<p>3. Supporting Rural Development</p>	<p>We agree that development is essential for the UK economy. AONBs and other designated areas are not islands set apart but should be seen as ecological and cultural assets that can be a driver for the future prosperity of all.</p> <p>This 'holistic' approach comes through strongly in the Natural Environment White Paper (2011) but we feel this is not fully reflected in the dNPPF.</p> <p>The dNPPF does not build on the excellent evidence base in the recently published UK National Ecosystems Assessment (NEC). The NEC highlights the significant economic and social costs of depleting natural capital, while also demonstrating the economic benefits of looking after it.</p> <p>The Natural Environment White Paper promotes the conservation and enhancement of the natural environment as a key service provider. The Mendip Hills AONB Unit feels that the dNPPF should advocate a planning approach that recognises this potential and presents the natural environment, as a significant provider of environmental, social and economic benefits.</p> <p>In our view, the dNPPF would benefit from a recasting to prioritise the avoidance of damage to the environment before turning to its limitation or mitigation. This would remove the assumption in</p>

	<p>the dNPPF that development and environment are inherently in conflict and encouraging a more positive approach by developers to find opportunities for environmental enhancement within developments rather in mitigation of them.</p> <p>We would ask DCLG to include a definition of ‘major development’ in the glossary of the dNPPF and be explicit that the major development test applies to minerals as well as to other development.</p>
Proposed text changes	
Para 81	<p>Amend as follows:</p> <p>“Planning policies should support sustainable economic growth in rural areas by taking a positive approach to <u>appropriate</u> new development. Planning strategies should maintain a prosperous rural economy <u>which respects the character of the countryside</u> including policies to:</p> <ul style="list-style-type: none"> • support the sustainable growth of rural businesses • <u>encourage economic drivers in support of the environment</u> • promote the development and diversification of agricultural businesses; and • support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside.
Para 165	<p>Amend as follows:</p> <p>“In preparing plans to meet development requirements the aim should be to minimise <u>avoid where possible</u> adverse effects on the local and natural environment by:</p> <ul style="list-style-type: none"> • <u>Identifying and respecting an area’s character and local distinctiveness</u> • <u>Understand and promote appropriate land management and environmentally responsible practices</u> • <u>Where otherwise unavoidable Plans should allocate land sequentially, avoiding the best and most sensitive sites or those with high amenity value, first with the least environmental or</u>



	<p>amenity value where practical, having regard to other policies in the Framework including the presumption in favour of sustainable development. Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>
<p>4. European Landscape Convention</p>	<p>The Mendip Hills AONB Unit feels strongly that having the appropriate national policy framework to secure landscape and biodiversity mitigation and enhancement is vital and should be promoted within the dNPPF.</p> <p>The current draft dNPPF does not adequately interpret the principles of the European Landscape Convention (ELC) to promote landscape planning and management with effective public involvement, or reflect the holistic definition of landscape that includes peri-urban, industrial and coastal areas.</p> <p>The ELC promotes a character based approach to planning and the use of Landscape and Seascape Character Assessment should be promoted more strongly within the dNPPF in line with emerging “best practice guidance” for landscape planning and management.</p>
<p>5. Text changes for clarity, consistency and alignment with legislation</p>	<p>We feel the dNPPF must be consistent with legislation as it applies to nationally protected landscapes such as Areas of Outstanding Natural Beauty. The statutory duty on local authorities and others is the need to ‘conserve and enhance’ the natural beauty of such areas.</p>
<p>Proposed text changes</p>	
<p>Para 10 bullet 3</p>	<p>Amend as follows:</p> <p>“planning for places (an environmental role) – use the planning system to protect <u>conserve</u> and enhance our natural, built and historic environment, to use</p>



	natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.
Para 19 bullet 3	Amend as follows; “planning policies and decisions should seek to protect <u>conserve</u> and enhance environmental and heritage assets in a manner appropriate to their significance , and reduce pollution. Where practical and consistent with other objectives, allocations of land for development should <u>conserve the best and most sensitive</u> prefer land of lesser environmental value”.
Para 23	Amend as follows: “Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver: <ul style="list-style-type: none"> • <u>environmental</u>, housing and economic development requirements • climate change mitigation and adaptation, protection • <u>conservation</u> and enhancement of the natural and • historic environment, including landscape, and where relevant coastal management.”
Para 24	Amend 6 th Bullet as follows: “identify land which it is genuinely important to protect from development, for instance because of its <u>landscape</u> , environmental or historic value”.
Para 102 Bullet 1	Delete ‘ <i>as far as is practical</i> ’ from the first bullet point.
Para 163	Amend as follows: “The Government’s objective is that planning should help to deliver a <u>functional well-managed</u> healthy natural environment <u>whilst securing the diversity of its landscape, heritage and biodiversity</u> , for the benefit of everyone and safe <u>healthy</u> places which promote wellbeing”.
Para 164	Amend as follows:



	<p>“To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> • protecting valued <u>conserving and enhancing protected</u> landscapes • <u>promoting environmentally responsible land management and use through a landscape (ecosystems) services approach</u> • minimising impacts on <u>enhancing</u> biodiversity and providing net gains in biodiversity, where possible; • preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability.
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B – Other Points

<p>6. The importance of a Plan led system</p>	<p>We see planning as critical to delivering sustainable development spatially. The principles of living within environmental limits, balancing economic growth, protection of the environment, and social equity are all key components and need to be delivered through the planning system.</p> <p>The primacy of development plans is critical to the future of effective planning and the conservation and enhancement of natural beauty. Support for development or any other outcome should be achieved through plan-making rather than through decisions on planning applications contrary to established policy.</p>
<p>7. Definition of sustainable development</p>	<p>“Sustainable development” is at the core of the dNPPF however the document does not offer a clear definition of the term. In the absence of a robust definition the understanding of sustainable development is left open to interpretation resulting in potential conflict between stakeholders, and poor and inconsistent decision making.</p> <p>The dNPPF definition of sustainable development is therefore weak and fails to take sufficient</p>



	<p>account of the growing evidence of serious ecological disruption and risks (not confined to climate change) or of the extremely radical gains in material, water and energy efficiency needed if we are to have economic growth and sustainable use of ecosystems and resources.</p> <p>The Mendip Hills AONB Unit suggests dNPPF uses the much praised definition of sustainable development set out in Securing the Future (2005) – the national sustainable development strategy.</p>
Proposed text changes	
Para 14	<p>Amend as follows:</p> <p>“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, <u>ensuring all standards and tests required to ensure sustainable development are met</u> and approve all individual proposals wherever possible. Local planning authorities should.....”</p> <p>“All of these policies should apply unless the adverse impacts of allowing development would <u>compromise or not fulfil all of the objectives of sustainable development significantly and demonstrably outweigh the benefits</u>, when assessed against the policies in this Framework taken as a whole”.</p>
Para 21	<p>Amend as follows:</p> <p>“Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help deliver the standards and tests required to achieve sustainable development. <i>DELETE rest of paragraph.....</i></p>



<p>8. Support for making planning more local</p>	<p>There is a clear need for greater engagement of local communities in the planning process. Harnessing the knowledge and energies of local people is critical to good planning and will ensure that our plans for land provide the necessary management of the ecological services that support local prosperity and well being.</p> <p>AONB partnerships and the core staff teams offer the planning process valuable insights that can unlock sustainable development at the local level.</p>
<p>9. Para 177 Historic Environment</p>	<p>The Mendip Hills AONB Unit feels that the dNPPF should be strengthened to recognise the inherent and intrinsic value of the historic environment.</p> <p>Heritage assets are critical components of ‘natural beauty’ and we support the protection of heritage assets and their setting. The setting of heritage assets is vital to the protection of the character and context of the building or structure for the education and enjoyment of society in the future. Heritage assets also form important landscape features which contribute to the character and distinctiveness of an area.</p> <p>We support recognition of both direct and indirect impact on heritage and landscape assets within the dNPPF.</p>
<p>10. Para 75 Employment Sites</p>	<p>Paragraph 75 sets out that planning policies should avoid the long term protection of employment land or floorspace. Protecting historic employment land allocations which have little chance of being delivered should be avoided, however, we feel this paragraph appears to go beyond this principle.</p> <p>We are concerned that by seeming to rule out the safeguarding of any kind of employment land, dNPPF risks jeopardising economic growth where Local Plans and Authorities are trying to stimulate new and emerging sectors.</p> <p>Land values for competing land uses such as retail</p>



	<p>or housing are almost invariably higher than employment land values particularly in the coastal and rural designated areas. As a consequence there is pressure for alternative forms of development and employment opportunities can be lost and not easily replaced.</p> <p>We support Employment Land Reviews that provide a useful mechanism to assess sites which may need safeguarding, sites which do not need safeguarding, and sites which have little prospect of being delivered.</p>
<p>11. Para 173 Dark Skies & Tranquility</p>	<p>The Mendip Hills AONB Unit believes that paragraph 173 should be strengthened to require local policies to identify and protect dark sky areas as well as areas of tranquillity. Loss of dark skies as a result of increasing light pollution has become a significant issue in the Mendip Hills and the AONB Partnership has adopted a position statement to address the issue. It is also an objective to protect the AONB dark skies in the AONB Management Plan. We would wish the Government to also address this important issue through national planning policy.</p> <p>The dNPPF should seek to <u>prevent</u> rather than just limit the impact of light pollution and urban glow. This is not only important to the character of rural areas, but a star filled sky can provide a valuable draw for tourism, amateur, enthusiasts or professional astronomers as well as for the enjoyment of residents.</p>



12. Planning conditions and obligations

The dNPPF states that unreasonable policy burdens and obligations should not be placed upon developers however there is concern that a legitimate condition regarding mitigation and enhancement could be perceived unreasonable by a developer.

There is already a significant issue regarding the satisfaction of conditions and a misconception that landscape mitigation and enhancement conditions should be discarded to save money if a development under construction is no longer viable. The dNPPF needs to engender an understanding that landscape mitigation and enhancement is an integral part of a development and not an optional "bolt-on."

We hope that the above comments prove helpful to the Government's work on the NPPF.

Yours faithfully,

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