

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

Your details

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Other (Please specify)

If you selected other, please state the type of organisation

AONB Partnership hosted by a local authority

Please provide the name of the organisation (if applicable)

Shropshire Hills AONB Partnership

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

[Click here to enter text.](#)

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Please select an item from this drop down menu

Please enter your comments here

The AONB Partnership disagrees with the proposed changes to the presumption in favour of sustainable development, which we believe would weaken the level of protection given to AONBs.

Paragraph 14 of the 2012 NPPF limits development where *'specific policies in this Framework indicate development should be **restricted**'*. The proposed change to where *'the application of policies in this Framework that protect areas or assets of particular importance provides a strong [or clear] reason for **refusing** the development proposed'* may therefore exclude the clause currently in NPPF paragraph 115 – the need to give *'great weight'* to conserving landscape and scenic beauty in AONBs. As such, the wording of the new paragraph 11 implies a presumption in favour of approving development proposals which are not classed as 'major development'.

We recommend that b(i) and d(i) in paragraph 11 should be changed to *'policies in this Framework, that protect areas or assets of particular importance, apply'*.

The requirement for the policies relevant to Footnote 7 to provide a 'strong' or 'clear' reason for restricting or refusing development should be removed as we consider this requirement to be unnecessarily onerous. We consider that all planning reasons have to be 'strong' and 'clear', so imposing this requirement specifically for Footnote 7 policies would weaken the protection for AONBs. We support the addition of irreplaceable habitat including ancient woodland and aged or veteran trees the into footnote 7, and also recommend that Local Wildlife Sites should be added to the list of footnote 7 designations.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Click here to enter text.

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 6

Do you have any other comments on the text of chapter 3?

Paragraph 24. We recommend that that the following sentence should be added to the end of paragraph 24 of the draft NPPF *'In National Parks, the Broads and Areas of Outstanding Natural Beauty strategic policies for the whole plan period and identification of the broad location of development should focus on achieving the purposes of designation and local economic and social needs specific to the protected area. Within the strategic planning and review process individual sites for development affecting these areas should be allocated according to demonstrable need.'*

Paragraph 27. We recommend that Conservation Boards and AONB Partnerships should be included within the list of bodies in paragraph 27 of the draft NPPF, which strategic plan-making authorities should engage with when seeking to identify strategic matters which they need to address in their plans.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Please select an item from this drop down menu

Please enter your comments here:

[Click here to enter text.](#)

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

[Click here to enter text.](#)

Question 10

Do you have any comments on the text of Chapter 4?

[Click here to enter text.](#)

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

[Click here to enter text.](#)

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 14

Do you have any other comments on the text of Chapter 5?

[Click here to enter text.](#)

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 16

Do you have any other comments on the text of chapter 6?

[Click here to enter text.](#)

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 18

Do you have any other comments on the text of Chapter 7?

[Click here to enter text.](#)

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

[Click here to enter text.](#)

Question 20

Do you have any other comments on the text of Chapter 8?

[Click here to enter text.](#)

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 23

Do you have any other comments on the text of Chapter 9?

Click here to enter text.

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

Click here to enter text.

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Please select an item from this drop down menu

Please enter your comments here

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Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 27

Do you have any other comments on the text of Chapter 11?

Click here to enter text.

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

Click here to enter text.

Question 29

Do you have any other comments on the text of Chapter 12?

Click here to enter text.

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Please select an item from this drop down menu

Please enter your comments here

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Question 31

Do you have any other comments on the text of Chapter 13?

Click here to enter text.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

Click here to enter text.

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Please select an item from this drop down menu

Click here to enter text.

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Please select an item from this drop down menu

Please enter your comments here

Paragraph 170 of the draft NPPF

The AONB Partnership cautiously welcomes the new text in paragraph 170 of the draft NPPF, which, according to the 'NPPF Consultation Proposals' document, *'clarifies that development within National Parks and Areas of Outstanding Natural Beauty should be limited'*.

However, we have some concerns and comments and suggested amendments relating to this new text, as outlined below.

Paragraph 170, sentence 1 We welcome the continued emphasis on giving 'great weight', but object to the removal of the text: *'which have the highest status of protection in relation to landscape and scenic beauty.'* The removal of this text potentially risks undermining this planning status, which also confirms the accepted government policy that AONBs and National Parks have equal levels of protection. However the primary purpose of AONB designation, as defined in statute is *'to conserve and enhance the natural beauty'* of the AONB. As such, it would be sensible for paragraph 170 to use this terminology in its opening sentence. Although the term 'natural beauty' covers a wide range of issues, including 'scenic beauty', it would make sense to retain 'scenic beauty' as a separate entity in this sentence, as visual impact is obviously a key factor in evaluating the

impact of a development on an AONB. We therefore recommend that the wording of the first sentence is changed to the following '*Great weight should be given to conserving and enhancing landscape, scenic and natural beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection.*'

This revised wording should be supported by additional guidance on the meaning of 'natural beauty', for example, in the online Planning Practice Guidance. A good starting point for this would be the Government's online guidance on the designation and management of AONBs published in 2017. Government policy on AONBs and in planning should be consistent.

Paragraph 170, sentence 2 Cultural heritage and wildlife are key factors in defining the 'natural beauty' of AONBs. As such, the conservation of wildlife and cultural heritage should be given great weight in AONBs, as well as in National Parks and the Broads. The second sentence in paragraph 170 should therefore be changed to '*The conservation of wildlife and cultural heritage are important considerations in all of these areas and should be given great weight.*'

Paragraph 170, sentence 3 As indicated above, we cautiously welcome the introduction of this new sentence, which states that '*the scale and extent of development within these designated areas should be limited*'. However, the use of the word 'limited' will inevitably be subject to a wide range of interpretations. We recommend that development in AONBs should primarily relate to development needs arising from within the AONBs themselves. The wording in the new sentence in paragraph 170 should reflect this aspiration, as follows '*The scale and extent of development within these designated areas should be limited, based on specific evidence of a convincing local need arising from within the designated area.*'

Paragraph 170, sentence 4

We believe that the major development text should apply at the plan-making stage, when the scale and location of development is being decided, as well as (i.e. not instead of) the planning application stage. In this way, the NPPF would ensure that a proportion of major development proposals can be ruled out at the 'plan-making' stage. On this basis, we recommend that the wording of this sentence should be changed to '*Planning permission should be refused – and allocations avoided - for major development, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of major development at the plan-making and decision-taking stages should include an assessment of ...*'

The requirement for this policy to be applied at both the plan-making stage and at the planning application stage should also be addressed in supporting guidance, including the PPG. The supporting guidance should also clarify what is meant by 'exceptional circumstances' and 'in the public interest'. For example, it should make clear that national and local (district-wide) demand for housing is the 'norm' and, as such, does not constitute 'exceptional circumstances'.

To align with our recommendation that 'development in AONBs should be based on specific evidence of a convincing local need arising from within the designated area', we also recommend that criteria (a) is re-worded as follows *'evidence of the need for the development at the time the decision is to be taken, including in terms of any national considerations...'*

Since the 2012 NPPF, we are aware of 10 applications for 'major development' in the Shropshire Hills AONB. Every one of these was recommended by officers from the planning authority for approval (in one case part approval). Though a few of these applications were withdrawn or refused by Committee, this does indicate the additional guidance required regarding 'exceptional circumstances', which would imply a minority of cases.

Paragraph 170, suggested additional text relating to the setting of AONBs

An important consideration in conserving and enhancing the natural beauty of AONBs is the potential impact of developments that are outside an AONB boundary but still 'within the setting' of the AONB.

The only (indirect) reference to this issue in the current NPPF is paragraph 123, which requires local planning authorities to *'set criteria based policies against which proposals for any development on or **affecting** protected ... landscape areas will be judged'*. We have considered *'affecting'* to include developments that are within the setting of AONBs. However, with this paragraph now being removed in the draft NPPF, the NPPF provides no policies that specifically address development within the setting of AONBs. We recommend that paragraph 113 should be reinstated into the NPPF, but if this does not happen, we recommend the inclusion therefore recommend the inclusion of an additional sentence in paragraph 170 *'Local planning authorities should set criteria based policies against which proposals for any development in, and within the setting of, these protected landscapes will be judged.'*

The new text should be supported by additional guidance which clarifies that 'within the setting of' does not just relate to visual impact but also relates to issues such as biodiversity, water corridors, the impact of increased traffic, light pollution (including impacts on 'dark skies') and noise (including impacts on 'tranquillity').

Question 35

Do you have any other comments on the text of Chapter 15?

[Click here to enter text.](#)

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

[Click here to enter text.](#)

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

[Click here to enter text.](#)

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Please select an item from this drop down menu

Please enter your comments here

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Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Please select an item from this drop down menu

Please enter your comments here

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Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Please select an item from this drop down menu

Please enter your comments here

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Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

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Glossary

Question 43

Do you have any comments on the glossary?

Question 43. Do you have any comments on the Glossary?

Major development As indicated in response to Question 34, the inclusion of a definition of 'major development' has significant implications for AONBs.

The definition of major development in the Glossary of the draft NPPF originates from the Town and Country Planning (Development Management Procedure) Order 2015, which is a consolidation of previous Orders. As such, this definition of major development pre-dates the original NPPF, which came into force in 2012.

However, the definition of major development provided in the 2015 Order has not, to-date, been applied to major developments in AONBs, in the context of paragraph 116 of the current NPPF (paragraph 170 in the draft NPPF). Indeed, applying this definition of major development to AONBs, under paragraph 116 of the NPPF, conflicts with UK case law.

In UK case law, the meaning of major development, in the context of paragraph 116 of the NPPF, has been deemed to be a '*matter of planning judgement*', taking into account the potential impact that the development may have on the AONB by reason of its scale, character or nature.

On the basis of current UK case law, it could potentially be argued that a housing development of fewer than 10 homes in an AONB might be deemed as major

development if it has potential to have a serious adverse impact by reason of its scale, character or nature. The same argument could potentially apply to non-residential development of less than 1,000 square metres or sites of less than one hectare. However, applying the definition of major development in the Glossary of the draft NPPF, as it is currently worded, to AONBs would not provide this flexibility.

On the other hand, we are aware that some AONBs have experienced local authorities using the current ambiguity to avoid classing much larger housing developments as major development. Applying the Annex 2 definition could actually be helpful in these circumstances.

On balance, we believe that, whilst the definition of major development in Annex 2 of the revised NPPF provides a useful threshold, it should not be allowed to prevent smaller scale developments in AONBs being considered as major development if they are deemed to have the potential to have a serious adverse impact on the AONB by reason of their scale, character or nature. We therefore recommend an amendment to the definition of major development in Annex 2 of the draft NPPF. A sentence should be added to the definition of major development in Annex 2 of the revised NPPF stating that *'In the context of paragraph 170, relating to major developments in National Parks, the Broads and Areas of Outstanding Natural Beauty, smaller scale developments may be considered to be major development if they are deemed to have the potential to have a serious adverse impact by reason of their scale, character or nature.'*

As an illustration, Church Stretton is a relatively small town but the largest in the AONB, and the only one of Shropshire's defined market towns lying within a nationally protected landscape. Its site is very physically constrained for development by the very landscape features which give rise to the AONB designation. Developments which may not be considered 'major' in a different town may well justify classification as such in this more sensitive location.

It may be appropriate to have a footnote to the definition of major development, or supporting guidance (e.g. Planning Practice Guidance), which states that AONB Management Plans may provide additional guidance on major developments in AONBs.

Local Wildlife Sites We note also that the glossary of the draft new NPPF has deleted the previous entry:

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Local Wildlife Sites are now not mentioned in the draft NPPF and this is a negative step for these important sites – this recognition should be reinstated into the Framework.