

Hammerwich Neighbourhood Development Plan 2018-2040

Response of Parish Council to the Independent Examiner's Consultation on the Plan in the Light of Revised National Planning Policy Framework 20th July 2021

Introduction

On 20th July 2021 the Government published a revised National Planning Policy Framework (NPPF), with changes to the text in a number of areas. These are listed below, with the Parish Council's views on how they may impact on the Neighbourhood Plan. Any cross references to the NPPF in the Plan and supporting documents, such as the Basic Conditions Statement, will need to be changed to reflect the new paragraph numbers.

1. The United Nations climate change goals have been added.

Paragraph 7 states that “the purpose of the planning system is to contribute to the achievement of sustainable development” to which has now been added: “At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.”

Hammerwich Parish Council (HPC) response:

These high-level aims filter down through the planning system, and underpin the overall aims of sustainable development throughout the planning process. Many of the Hammerwich policies support environmental protection; economic well-being is adequately addressed in Policy Ec1. “Social progress” is a wide-ranging concept. Its roots are in the United Nations Declaration on Social Progress and Development, 1969. Social Progress Imperative produces a Global Index, which assesses everything from basic needs (food, water, shelter, basic medical care, sanitation, safety), through access to knowledge and communications, health and wellness, and environmental quality, through to personal rights, freedoms, inclusiveness and access to advanced education.¹ Several Hammerwich policies promote wellbeing

¹ See <https://www.socialprogress.org/index/global/methodology>

through recreation, and environmental quality, and Policy Ed1 promotes lifelong learning.

2. Building Beautiful Places

The social objective of the planning system (paragraph 8b) has been altered to include the fostering of “well-designed, beautiful and safe places” instead of “a well-designed and safe built environment”.

HPC Response:

HPC agrees with the addition of beauty as a criterion for the built environment. The Plan’s policies support good design, appropriate to its context, which should, by definition, be harmonious and “beautiful”.

3. Adjusting the presumption in favour of sustainable development for plan-makers.

The NPPF’s presumption in favour of sustainable development for plan-makers (paragraph 11a) now says that this means “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.

HPC Response:

HPC believes the Neighbourhood Plan satisfactorily balances these aspects of sustainable development. In particular, by limiting development in inappropriate rural locations, it assists in the imperative to make effective use of land in urban areas. In addressing localised flooding issues (Policy H2 point 14) it also aims to recognise and mitigate local climate change effects.

4. Development plan policies for proposed large new settlements should have a 30-year timescale rather than the former 15.

Paragraph 22 states that strategic policies “should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure”. A new sentence adds: “Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.”

HPC Response:

There are no significant extensions to existing towns or villages proposed either in the Neighbourhood Plan or the Lichfield Local Plan 2040. This paragraph is not applicable.

5. New limits on the use of Article 4 directions to restrict PD rights

A new paragraph (53) has been introduced concerning Article 4 directions, (which remove Permitted Development rights in specific areas):

“The use of Article 4 directions to remove national permitted development rights should:

- where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
- in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
- in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”

HPC Response:

There are no proposals in the Plan for any building or area to be covered by an Article 4 direction.

6. Tightened rules governing the acceptability of isolated homes in the countryside.

Paragraph 80 (formerly para 79) sets out the circumstances in which isolated homes in the countryside can be acceptable. Previously, it said such homes would be acceptable if the design was “truly outstanding or innovative” – now the word “innovative” has been removed.

HPC Response:

This change has been made in response to a number of Inspectors’ decisions recently to dismiss appeals for the construction of isolated houses in the countryside where “innovation” was claimed for homes with fairly mainstream eco-home features (and the design was far from “outstanding”). HPC are in agreement with this change. Policy H2 concerns itself with good design. There is no evidence to suggest that new homes in Hammerwich should be built to a higher environmental standard than elsewhere in the District - all new homes should be built to high environmental standards - so this is a matter for Lichfield District Council planning and building control to implement.

7. Encouraging faster delivery of further education colleges, hospitals and prisons

A new paragraph (96), states: “To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”

HPC Response:

This relates to major new public infrastructure. Policy Ed1 supports the development of the two education facilities in the Parish.

8. Design codes and guides

Two new paragraphs, 128 and 129, state that in order to “provide maximum clarity about design expectations at an early stage all local planning authorities should prepare design guides or codes.” Para 128 reflects the new consideration of “beauty” (see section 2 above) by adding this consideration to the text of the old para 126: “Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.”

Para 129 states that they can be prepared at an area-wide, neighbourhood or site-specific scale and “to carry weight in decision-making should be produced either as part of a plan or as supplementary planning document.” Design codes and guides should take into account “the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.”

This is also reflected in a new para 134, where development which “fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes” should be refused. Conversely, “significant weight” should be given to “development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”. “Significant weight” (rather than “great weight” in the old para 131) is now given to “outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

HPC Response:

The increased emphasis on Design Codes is noted. Para 7.6 of the Neighbourhood Plan states:

“Unlike some areas where there is a strong unifying style or character to the local buildings, perhaps due to the widespread use of a locally occurring building material, this is less the case in Hammerwich. Therefore, rather than trying to match a settlement-wide style of new development, it is more important that any new housing development respects the style and scale of its neighbours.”

It is therefore seen to be more important in Hammerwich that new development respects the style and scale of its neighbours – see Policy H2(10) - particularly where the neighbouring buildings are of an historic nature - see first paragraph of Policy LEnv3.

In these circumstances, imposing a Design Code might prove to be over-prescriptive. It might also serve to stifle “outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Cross reference is made to LDC’s “Sustainable Design Supplementary Planning Document” (SPD) and this deemed to be sufficient guiding good, sustainable, design.

9. Inclusion of trees in new developments

New paragraph 131 states: “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible” and that applicants and local planning authorities “should work with local highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

HPC Response:

New streets are unlikely to be a feature of future new development in the Parish Policy H2 (12) covers making good use of existing trees. A minor amendment could extend this to include the planting of new trees (new words in bold), for example:

*“...12. make positive use of site characteristics e.g. topography, **existing trees, hedges, natural habitats etc and provide new tree planting where this is appropriate;**...”*

10. Planning and Flood risk should be managed by development opportunity.

Paragraph 161 (c) on “planning and flood risk” now confirms that plans should manage any residual flood risk by using opportunities provided by new development and “improvements in green and other infrastructure to reduce the causes and

impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)”.

HPC Response:

The HPC confines itself to addressing a locally identified problem of flooding at localised points (Policy H2(14)), which would not normally result in refusing planning permission, but which might require mitigation measures to be put in place as part of the development. This change to the NPPF appears to apply to development where the sequential test needs to be undertaken, in areas identified in the Strategic Flood Risk Assessment as having some more widespread flood risk. The change does not affect any existing Plan Policy, and does not require additional text

11. Councils should restrict the removal of statues.

A new paragraph (198) states: “In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.”

HPC Response:

HPC are in agreement with this change, but it does not affect the existing policies of the Plan or require additional policies.

CONCLUSION

HPC are of the view that the alterations made in the 2021 NPPF do not require any changes to be made to the Hammerwich Neighbourhood Plan (other than NPPF paragraph number references, and the minor change to Policy H2(12) noted in section 9 above) and that the Plan remains in conformity with the NPPF, and therefore continues to meet the Basic Condition for it to do so.

30th July 2021

*Hammerwich
Parish Council*

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