

Betley, Balterley and Wrinehill NDP - Examination

Response to Examiner's Comments, 26th July 2021

Parish Council Comments in relation to the new, revised NPPF (July 2021) and whether the changes affect the NDP examination, August 2021

1.0 Introduction

- 1.1 The Betley, Balterley and Wrinehill NDP is currently undergoing examination. The submission version of the NDP was prepared having regard to the most up to date version of the NPPF at that time (published in 2019) and this is referred to in the Submission NDP and the Basic Conditions Statement.
- 1.2 The examiner, John Slater has offered a short period of consultation to invite specific comments as to whether the Secretary of State's changes to the revised NPPF (published on 20th July 2021) affect the Neighbourhood Plan's examination.
- 1.3 These comments have been prepared by Kirkwells Planning Consultants on behalf of the Parish Council and have been reviewed and approved by the NDP Steering Group.

2.0 Proposed Changes to the NDP

- 2.1 The revised NPPF includes a number of changes, including strengthening references to climate change and sustainability, design quality (including design codes), street trees and biodiversity which could be referred to in the final version of the NDP policies and supporting text. A number of paragraph numbers have also changed.
- 2.2 Overall most of these should not require significant changes to the Plan. Rather, they could be accommodated within the Examiner's recommended modifications to ensure the Plan meets the Basic Conditions of having regard to national policies and advice contained in guidance issued by the Secretary of State and that the Plan contributes to the achievement of sustainable development.
- 2.3 It is suggested that the following minor amendments could be made to the NDP to help ensure it reflects the revised and most up to date NPPF:

1. P12 - NPPF and the presumption in Favour of Sustainable Development

This section requires some minor changes.

- Para 2.3 could be amended to:
'The NPPF sets out in paragraph 7 that 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. 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.'
- Para 2.4 b) could be amended to: '**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of

present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and'

- Para 2.4 c) could be amended to: '**an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.
- A reference to NPPF paragraph 11a) could be added: '*For plan-making this means that: a) 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.*'

2. P19 - first bullet point

- NPPF para 136 is now para 140.

3. P23 - Policy BBW1: Promoting Sustainable Development

- This Policy does not refer 'beautiful' places or design codes. Sustainable design is addressed in the Policy. The opening paragraph could be amended to wording such as '*The sustainable development of land and buildings, and sustainable use of water, energy and transport, will be supported in order to maintain and improve the quality of life for people living and working in the Parish, and to conserve and enhance its intrinsic rural and built environment now and in the future, and to provide beautiful buildings and places*'.
- Members of the NDP Steering Group have already started to look at design in more detail. The Parish Council may wish to consider commissioning design codes as and when the NDP is reviewed and this action could be added to **paragraph 8.3 on p84** as a future intention.

4. P27 - paragraph 6.2.1

- Former paragraph 26 is now paragraph 29, 61 is now 62, 65 is now 66 and 78 is now 79 (but the NPPF wording has not been changed).

5. P32 - Para 6.3.1

- NPPF para 126 (formerly 124) now says: '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*' Paragraph 125 is now paragraph 127 and says: '*Neighbourhood planning groups can*

play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.' Paragraphs 128 and 129 now promote design codes, including at a neighbourhood scale. As noted above, the Parish Council could commit to commissioning design codes as part of a future Review of the NDP.

- **Policy BBW4** does not currently refer to 'beautiful' buildings. Suitable phrasing could be added to the second paragraph of the Policy such as '*To ensure new development is beautiful, and sympathetic ...*'

6. P41 para 6.3.34

- Former NPPF paragraph 184 is now 189.

7. P59 para 6.4.1

- Former NPPF paragraph 170 is now 174.

8. P60 Policy BBW6

- Although part 3 of the Policy refers to woodland and hedgerow planting it could be strengthened by referring to 'trees' or 'street trees' as promoted in NPPF paragraph 131. Otherwise, bullet point 1 of paragraph 6.4.14 could be amended to refer to 'provision street trees' as well as 'Tree and woodland planting'.
- NPPF paragraph 180 d) sets out '*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*' The existing policy wording does not refer to integrating biodiversity as part of design or to public access. However if the Policy was amended to provide more detail this may go beyond a minor change as it would set out new requirements. It is not considered that the existing policy wording conflicts with the NPPF; it simply has less detail. Therefore a change is not proposed.

9. P70 paras 6.5.1 to 6.5.3

- NPPF paragraph numbers have changed as follows:
 - Former 83 and 84 are now 84 and 85.
 - Former 145 is now 149.
 - Former 146 is now 150.
- **P71 Paragraph 6.5.7**

There have been further changes to the GDO which came into force from 1st August 2021. Perhaps this should be noted.

10. P75 paragraph 6.5.20

- Former NPPF para 83 is now 84 and 92 is now 93.
- Paragraph 98 (formerly 96) has been amended to refer to climate change. *'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'*

11. Glossary p104

- This may require updating taking into account the revised NPPF Glossary.

3.0 Conclusion

- 3.1 A number of minor changes to the NDP could be recommended by the Examiner to help ensure the final version of the Betley, Balterley and Wrinehill NDP is up to date in terms of references to NPPF paragraph numbers, and quoted extracts in the supporting text, and very minor changes to the wording of a couple of NDP policies.
- 3.2 It is considered that such changes would entail minor updates in most cases and should not comprise significant amendments which would change the nature of the Plan.