

PENDLE LOCAL PLAN CORE STRATEGY

MATTER 3: THE ENVIRONMENT, DESIGN & ENERGY

STATEMENT BY BARTON WILLMORE

ON BEHALF OF

JUNCTION PROPERTY LTD

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Issue 1: Will the policies of the Plan be effective in protecting the natural and built environment? Does Policy ENV1 provide sufficient distinction between different levels of designation (paragraph 113 of the Framework refers)?

1. NPPF Paragraph 113 says: -

“Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.”

2. Policy ENV1 is not a criteria-based policy nor does it reflect the distinctions that the NPPF says should be made between international, national and local designations (especially in relation to nature conservation sites). As such, it is not in accordance with national policy and needs to be substantially revised.
3. Policy ENV1 refers to SPGs as providing the main source of policy guidance for some topics, such as open countryside and the AONB. This is inappropriate. Supplementary planning documents may have a role but only to amplify development plan policy. The main policy guidance should be within the CS as Part 1 of the Local Plan.

Issue 2: Have biodiversity and green infrastructure considerations been fully taken into account in preparing the Plan, including cross-boundary wildlife sites and networks?

4. No further comments.

Issue 3: Does Policy ENV2 sufficiently promote and reinforce local distinctiveness such as that arising from the Leeds-Liverpool Canal?

5. No further comments.

Issue 4: Are the requirements for sustainable design within the policies of the Plan such as Policy ENV2 too prescriptive and likely to affect the viability of new development? Are there any implications for the wording of Policy ENV2 from the Government's announcement about possible exceptions for small builders from low carbon/zero carbon requirements?

6. JPL supports good design and policies which seek to achieve this. Frequently, good design does not impose any greater costs than poor design. However, there are parts of Policy ENV2, particularly those dealing with sustainable design and construction, which will impose significant additional costs upon new housing development and are likely to impact upon viability and deliverability, especially in lower-value areas such as the M65 Corridor.
7. JPL's principal concern is with the second part of the policy dealing with "*designing development to move towards a low carbon future.*"
8. The starting point to consider this matter is the NPPF paragraph 173. This states: -

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable."
9. Paragraph 174 adds: -

"Local Planning Authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the

likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the Development Plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk and should facilitate development throughout the economic cycle."

10. The Council has prepared a Development Viability Study (CD/07/01). However this DVS does not include provision for the full costs of the sustainable construction requirements of Policy ENV2. The DVS (4.62) makes clear that it has only costed the requirements arising from meeting Code Level 3 which it says is the current norm within Pendle. Policy ENV1 requires much more than Code Level 3. As its requirements have not been costed by the DVS and shown to be viable, taking into account other costs including national standards, the policy fails paragraphs 173 and 174 of the NPPF.
11. National standards for sustainable construction require that housing developments should achieve zero carbon homes by 2016 (with some minor exceptions). Zero Carbon Homes equates to somewhere between Code Levels 5 and 6. Table 4.1 of the DVS shows the huge difference this will make to building costs in the Borough from the assessed level of Code Level 3. However the impact of this change on development viability is not taken into account by the DVS which to our knowledge is the only evidence base document dealing with viability. This calls into question all the conclusions of the DVS and the policies on which they are based; but particularly Policy ENV2 which is likely to impose higher building costs than even Zero Carbon Homes.
12. The Government is currently consulting on whether Local Plans should contain local standards on sustainable construction. Its current view is that these are matters essentially for building regulations and that local standards should be only imposed as an exception and only where locally justified and where there is the clearest evidence that they would not damage viability. Policy ENV2 conflicts with this position as there is no local justification for it and there is no evidence of its impact on viability.
13. JPL considers that the second part of the policy should be deleted.
14. On a matter of detail, JPL is concerned with the bullet point within Policy ENV2 dealing with heritage assets. The policy says that the proposals should not harm the significance of heritage assets and their settings. This would mean that any harm of whatever scale would trigger conflict with the policy. This approach is not consistent

with paragraphs 133 and 134 of the NPPF which sets out tests which distinguish between development which would result in "*substantial harm*" to the heritage asset (there is no reference to setting), and development which would cause "*less than substantial harm*". The bullet point should be re-worded to encapsulate better the Framework's intention. We suggest the following: -

Proposals should ensure that the significance of heritage assets is not unjustifiably harmed or lost.

The alternative would be just to repeat the whole of the relevant part of the Framework but there would be little point to it.

Issue 5: Is the encouragement for the use of Building for Life standards justified?

15. No further comments.

Issue 6: Is the plan sufficiently clear on what is expected from developers in terms of sustainable design/construction measures? Are any such measures consistent with the Government's zero carbon buildings policy and nationally described standards?

16. This issue is related to Issue 4. We presume that the Council interprets Policy ENV2 as requiring more than national standards. If not we question its usefulness. However, we will await the Council's response before commenting further