

North Essex Authorities

Matter 2: Presumption in favour of sustainable development (policy SP1); Place-shaping principles (policy SP6)

Main issue: Are policies SP1 and SP6 positively prepared, justified, effective and consistent with national policy?

Questions:

1) Is the wording of policy SP1 fully consistent with the wording of National Planning Policy Framework [NPPF] paragraph 14 and with the NPPF's section on Decision-taking?

2.1.1 Yes, SP1 is consistent with the NPPF paragraph 14 which describes the presumption in favour of sustainable development as a golden thread running through both plan-making and decision-taking. Specifically, Policy SP1 says that *"Development that complies with the Plan in this regard [contributes to the strategic local vision and objectives and will accord with the policies in this Local Plan] will be approved without delay, unless material considerations indicate otherwise"*.

2.1.2 Policy SP1 also reiterates the approach described in para.14 of the NPPF to be taken when policies are silent or out of date. It says that planning permission will be granted unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in that Framework or Plan that indicate that development should be restricted.*

2.1.3 Policy SP1 is fully consistent with the decision-taking section of the NPPF. It sets out the same positive approach to considering development proposals:

They [the local planning authorities] will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.

2) Is it appropriate for the policy to require all development proposals to demonstrate that they contribute to the strategic and local vision and objectives?

2.2.1 Paragraph 14 of the NPPF describes the presumption in favour of sustainable development as a golden thread running through both plan-making and decision-taking. Reflecting paragraph 14, it is appropriate for Policy SP1 to require all development proposals to demonstrate that they contribute to the strategic and local vision and objectives as these developments individually and together will deliver sustainable development.

2.2.2 The Vision for North Essex (paragraph 1.30) recognises that North Essex will be an area of significant growth up to and beyond 2033 and positively embraces the need to build well designed new homes, create jobs and improve and develop its infrastructure. The vision states that; *“Sustainable development principles will be at the core of the strategic area’s response to its growth needs, balancing social, economic and environmental issues”*.

2.2.3 The Section 1 Plan includes strategic objectives designed to support the Vision for North Essex. Consistent with para. 156 of the NPPF the objectives identify the matters that should be addressed as strategic priorities in Local Plans. The strategic objectives provide a basis for policies in the Plan including providing sufficient new homes; fostering economic development; providing new and improved infrastructure; addressing education and healthcare needs; and ensuring high quality outcomes. Although individual developments may make limited contribution to sustainable development they should all be consistent with the general principles.

3) Is it necessary for the Section 1 Plan to include policy SP1?

2.3.1 Policy SP1 has been drafted to provide a clear context for the local vision and objectives set out later in the Plans. There is a degree of duplication of national policy within SP1, but this is appropriate to reinforce the Plan’s consistency with national policy and to inform and underpin the later policies in Section 1.

2.3.2 Paragraph 151 of the NPPF specifically says that Local Plans *“should be consistent with the principles and policies set out in this Framework [NPPF], including the presumption in favour of sustainable development.”* Policy SP1 articulates this important principle so that it is clear to the public that that obligation is taken seriously. The North Essex Authorities consider it to be desirable to include the policy on the face of the Plan.

4) Is it reasonable for policy SP6 to require all development to meet the “highest” standards of urban and architectural design?

2.4.1 The term “highest” attracts objections (Reps S1.115/7156 Bloor, S1.111/7125 Hopkins, S1.047/6521 Mersea Homes, S1.080/6911 Persimmon) but also support (S1.045 6490 Crest Nicholson, S1/044/6481 West Bergholt, S1.039/6444 R F West, S1.008/6113 Angora Bear Trust). The wording was intended to capture the aspirations of the North Essex Authorities The aspiration for high standards of design reflects the Governments intentions in the Framework (including the ministerial preamble that states: *“Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity”* and guidance in paragraphs 56 & 57.

2.4.2 Given the scale of development that is proposed the North Essex Authorities believe that the use of the word "highest" is appropriate but would accept “high” rather than “highest” quality on the basis that it suggests a proportionate design response (as suggested in rep S1/079/6869 Martin Robeson).

5) Is the reference to the use of design codes for strategic scale developments likely to lead to overly homogenous environments?

2.5.1 Paragraph 59 of the Framework supports the use of design codes where they could deliver high quality outcomes. Paragraph 59 makes clear that design codes should concentrate on guiding the overall scale, density, massing, height, landscape, layout, material and access, and confirms that they offer a legitimate approach to master planning. If applied appropriately respecting the caveats set out in the Framework, then uniformity should not result. The representations received do lend support (Crest Nicholson S1.045/6490 & RF West S1.039/6444) and the concerns raised by Mersea Homes (S1.080/6523) are caveated to instances where the coding is too rigid and prescriptive contrary to Framework advice. The use of design codes is thus sound when appropriately applied.

6) Is there an effective relationship between policy SP6 and the design policies in each local planning authority's Section 2 Plan?

2.6.1 The relationship is effective. Policy SP6 sets out an overarching strategic vision and objectives for urban and architectural design, and for the use of various design tools of strategic scale developments. This is translated into policies for implementation in section 2 of each plan. Section 2 of the Colchester Local Plan provides detailed parameters (including DM1, DM12, DM15, DM16, DM22, CC1 and ENV3) Tendring Plan Section 2 (Policy SPL3 and Housing Policies LP 1-11) and Braintree Plan Section 2 policy LPP55.

7) Are the principles set out in the bullet points to policy SP6 applicable to all development, irrespective of its nature and scale?

2.7.1 The strategic principles are of wide applicability as overarching principles of good design. Not all the principles will be relevant to all developments – for example, many developments will not have any historical or natural value issues – but the principles should be reflected in all new developments.

**8) Should policy SP6 include reference to:
(a) the protection and enhancement of biodiversity?**

2.8a.1 Policy SP6 should include reference to the protection and enhancement of biodiversity. In the Statement of Common Ground between the North Essex Authorities and Natural England (SCG/001) the following additional criteria is agreed to policy SP6: *“Incorporate biodiversity creation and enhancement measures;”* This addresses Natural England’s representations S1.079a/ 6890 and S1168/525.

(b) “places”, rather than “communities and their environs” (in bullet point 1)?

2.8b.1 It is agreed that the use of “places” in lieu of “communities and their environs” is more appropriate as it provide greater emphasis that it is the built form of

settlements and the setting of settlements as opposed to a community cohesion objective, and this will be proposed as a modification.

(c) provision for equestrians (in bullet point 9)?

2.8c.1 The North Essex authorities do not consider it appropriate that facilities for equestrian uses should be listed specifically. SP9, as a strategic policy, notes in bullet point nine the need for an integrated network of multi-functional public open space and green and blue infrastructure that connects with existing green infrastructure where possible. Bridleways may not be suitable for all locations, so any allocations should be covered within site specific section 2 policies for each local authority.

(d) water supply and waste water infrastructure, and sustainable drainage systems (in bullet point 10)?

2.8c.1 The North Essex authorities agree that the 10th bullet point could be clarified by the following modification: *“Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater infrastructure and flood mitigation measures.”* This is agreed in the Statement of Common Ground with Anglian Water Services (SCG/002).

9) Should the reasoned justification to policy SP6 include reference to Sport England and Public Health England’s *Active Design Principles*?

Sport England gave broad support to Policy SP6 in their representation (S1172/7143) but suggested that reference is made in the policy's supporting text to the Active Design guidance as this would provide more detail about how the relevant place making principles could be applied in practice. While the North Essex authorities would agree that a reference to guidance on place making principles will be required, it is considered that this level of detail is more appropriate to locally specific Section 2 policies as well the Development Plan documents for the Garden Communities.