



# **Land at Harras Moor, Whitehaven**

## **Planning Policy Update**

## **National Planning Policy Framework 2018**

4/18/2287 - Outline application for development of up to 370 houses with associated open space and infrastructure

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## **1.0 Introduction**

- 1.1.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in the preparation of Development Plans and the decision making of planning applications.
- 1.1.2 Originally introduced in 2012, the NPPF was recently updated in July 2018.
- 1.1.3 This report summarises the key provisions of the revised NPPF and relevant policies in relation to major housing developments, as are relevant to the proposed development - 4/18/2287 Outline application for development of up to 370 houses with associated open space and infrastructure.

## 2.0 National Planning Policy Framework 2018

### Chapter 2 - Achieving Sustainable Development

2.1.1 At the heart of the Framework remains the Government's aspiration for a 'presumption in favour of sustainable development' which seeks to ensure that development is pursued in a positive way.

2.1.2 The NPPF defines 'sustainable development' and highlights that it has three overarching objectives; economic, social and environmental. These three objectives give rise to the need for the planning system to perform a number of roles:

- a) *"An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and supports communities' health, social and cultural well-being; and*
- c) *An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources and prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy". (Paragraph 8).*

2.1.3 The NPPF states that these objectives need to be pursued in mutually supportive ways.

2.1.4 In relation to plan making and decision taking the NPPF sets out clear direction on how the Presumption in Favour of Sustainable Development should be applied. It states:

*"For decision-taking this means:*

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

<sup>7</sup> *This includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.” (Paragraph 11).*

## **Chapter 4 – Decision Taking**

- 2.1.5 When assessing planning applications, the NPPF requires that Local Planning Authorities (LPAs) approach decisions in a positive and creative way. It states:

*"They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions in the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”* (Paragraph 38).

### **Pre-application engagement and front-loading**

- 2.1.6 The NPPF stresses the importance of early engagement in the planning application process emphasising it has the potential to improve the efficiency and effectiveness of the planning system for all parties. (Paragraph 39).
- 2.1.7 As such LPA's should encourage developers to carry out community engagement where possible prior to submitting applications (Paragraph 40).
- 2.1.8 Early engagement with statutory consultees is also strongly encouraged to prevent unnecessary delays and costs (Paragraph 41).

### **Determining applications**

- 2.1.9 The NPPF reiterates that Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales (Paragraph 47).
- 2.1.10 In relation to policies within emerging development plans, LPA's may give weight to these policies according to:
- "a) the stage of preparation of the emerging plan (the more advance its preparation, the greater the weight that may be given);*
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). (Paragraph 48)*
- 2.1.11 The NPPF states that arguments that applications are premature to an emerging development plan are unlikely to justify refusal of a planning application other than in limited circumstances (Paragraph 49).

### **Planning conditions and obligations**

- 2.1.12 The NPPF states that LPA's must consider whether otherwise unacceptable developments could be made acceptable through the use of conditions or planning obligations, however, planning obligations should only be used where conditions cannot be imposed (Paragraph 54).
- 2.1.13 In relation to planning obligations, the NPPF sets out tests by which obligations may be sought. Obligations must be:
- "a) necessary to make the development acceptable in planning terms;*
  - b) directly related to the development; and*
  - c) fairly and reasonably related in scale and kind to the development." (Paragraph 56).*

## Chapter 5 – Delivering a sufficient supply of homes

### Delivering a sufficient supply of homes

2.1.14 In relation to the development of housing, paragraph 59 of the NPPF places great emphasis on ensuring that housing numbers are significantly boosted. It states:

*"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."* (Paragraph 59)

2.1.15 In relation to the provision of affordable housing, the NPPF states that:

*"Where major developments involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, significantly prejudice the ability to meet the identified housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes;*  
*or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site."*  
(Paragraph 64)

2.1.16 In relation to large scale housing developments, the NPPF sets out guidance as such:



*"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:*

- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;*
- b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;*
- c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;*
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and*
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size."*(Paragraph 72)

### **Maintaining supply and delivery**

2.1.17 As part of the Government's drive to ensure that housing delivery is boosted, the NPPF directs LPA's to ensure they have a consistent, deliverable supply of housing sufficient to provide a minimum of five years' worth of housing. It states:

*"Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years-worth of housing against their housing requirement set out in adopted policies, or against their local housing need where the strategic policies are more than five years old. The supply of deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local authority wished to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."*(Paragraph 73).

2.1.18 In order to monitor LPA's delivery of housing, the Government has introduced the Housing Delivery Test. The Housing Delivery Test is an annual measurement of housing delivery in the area of relevant plan-making authorities with decision making powers. The NPPF states:

*"To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years."*(Paragraph 75).

2.1.19 The Housing Delivery Test is discussed in Annex 1 of the NPPF. It states:

*"The Housing Delivery Test will apply from the day following publication of the Housing Delivery Test results in 2018. For the purpose of footnote 7 in this Framework, delivery of housing which was substantially below the housing requirement means where the Housing Delivery Test results published in:*

- a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;*

- b) *November 2019 indicate that delivery was below 45% of housing required over the previous three years;*
- c) *November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous three years."*

## **Chapter 6 – Building a strong, competitive economy**

2.1.20 The NPPF places significant emphasis on supporting planning policies and decisions which create favourable conditions for economic growth. It states:

*"Planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."* (Paragraph 80).

## **Chapter 8 – Promoting healthy and safe communities**

2.1.21 The NPPF emphasises the role of the planning system to facilitate the creation of healthy, inclusive communities. In relation to planning policies and decisions LPA's are advised to seek development which provides healthy, inclusive and safe places which:

- "a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*

- c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*”(Paragraph 91)

2.1.22 Paragraph 92 also states that:

*"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*”(Paragraph 92),

2.1.23 Planning policies and decisions should also:

*"consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.*”(Paragraph 93)

2.1.24 When delivering larger scale housing developments, the NPPF confirms the importance of ensuring that there is enough capacity for school places within the community. It states:

*"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”(Paragraph 94).*

2.1.25 Public safety and security are also highlighted in the NPPF. Paragraph 95 states:

*“Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

- a) *anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*
- b) *recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.”(Paragraph 95)*

### **Open space and recreation**

2.1.26 In relation to the protection and improvement of public open space and recreational areas, the NPPF states that, *“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”,* (Paragraph 96) and encourages new developments to seek every opportunity to enhance spaces and facilities. In relation to the provision of new development, the NPPF states:

*“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”(Paragraph 98)*

## Chapter 9 - Promoting sustainable transport

2.1.27 In relation to transport, highway capacity and safety, the NPPF advises early pro-active engagement to ensure the best possible standards of sustainable travel and movement can be achieved. It states:

*"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places."* (Paragraph 102).

2.1.28 And

*"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."* (Paragraph 103).

### Considering development proposals

2.1.29 When assessing new development proposals, LPA's are directed to ensure that:

- "a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*

- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”(Paragraph 108).*

2.1.30 It is to be noted that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”(Paragraph 109)*

2.1.31 And,

*“Within this context, applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”(Paragraph 110)*

2.1.32 Paragraph 111 also states that:

*“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.” (Paragraph 111).*

## Chapter 11 - Making effective use of land

2.1.33 The NPPF confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

2.1.34 In particular, the NPPF states that policies and decisions should:

- "a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
- e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."*(Paragraph 118).

### Achieving appropriate densities

2.1.35 As part of the aspiration to achieve the best possible use of land, the NPPF states that:

*"Planning policies and decisions should support development that makes efficient use of land, taking into account:*



- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) *local market conditions and viability;*
- c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.”* (Paragraph 122).

## **Chapter 12 – Achieving well-designed places**

2.1.36 The NPPF highlights the importance of promoting excellent design standards as part of sustainable development. Paragraph 124 states that:

*"The creation of high quality 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”* (Paragraph 124).

2.1.37 In relation to local plans and supplementary planning documents, the NPPF requires that such documents set out explicit clarity in relation to design expectations. Paragraph 126 states:

*"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.”* (Paragraph 126).

2.1.38 More specifically, the NPPF sets out that planning policies and decisions should ensure that:

*"Planning policies and decisions should ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*"(Paragraph 127).

2.1.39 Paragraph 128 also states that:

*"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."*(Paragraph 128).

## 14 - Meeting the challenge of climate change, flooding and coastal change

### Planning for climate change

2.1.40 The NPPF directs a proactive approach to mitigating and adapting to climate change and to ensuring that new development does not cause or exacerbate potential risks in terms of flood risk, biodiversity or the protection of landscape. It states that:

*"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures<sup>48</sup>. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."* (Paragraph 149)

2.1.41 The NPPF also confirms that

*"New development should be planned for in ways that:*

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."* (Paragraph 150).

2.1.42 The NPPF continues previous guidance in requiring that new development in potential flood risk areas abide by the sequential and exceptions test approach. Detailed guidance of which is found within then National Planning Guidance (NPG) module.

## Chapter 15 – Conserving and enhancing the natural environment

2.1.43 The NPPF requires that planning policies and decisions should contribute and enhance the natural and local environment by:

- "a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”(Paragraph 170).*

### **Habitats and biodiversity**

2.1.44 When determining planning applications, LPA’s should apply the following principles:

- "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists;*

- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*"(Paragraph 175).

#### **Ground conditions and pollution**

2.1.45 In relation to development on previously developed land, or land which may have potential historical contamination or stability issues, the NPPF states:

*"Planning policies and decisions should ensure that:*

- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.*"(Paragraph 178).

2.1.46 The NPPF also states at Paragraph 179 that:

*"Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*(Paragraph 179)

2.1.47 And at Paragraph 180 that:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*"(Paragraph 180).

2.1.48 Overall therefore the NPPF is clear that:

*"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."* (Paragraph 183).

### **Conserving and enhancing the historic environment**

2.1.49 The NPPF sets out the national planning guidance with relevance to the relationship between new development and the conservation of the historic environment.

### **Proposals affecting heritage assets**

2.1.50 In relation to proposals which directly affect a heritage asset, the NPPF sets out the following guidance:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."* (Paragraph 189)

2.1.51 And

*"In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."* (Paragraph 192).

### **3.0 Conclusion**

- 3.1.1 The NPPF, as revised in July 2018, continues to promote the achievement of sustainable development as the principle objective of national planning policy.
- 3.1.2 The NPPF, as revised in July 2018, continues to promote the achievement of sustainable development as the principle objective of national planning policy.
- 3.1.3 It is considered that the proposed development for \*\*\* is entirely consistent with revised policies within the NPPF and achieves the following sustainable objectives:

#### **Economic Benefits**

- The provision of new homes to attract and retain a growing and economically active workforce;
- Increased local household spend which will support local shops and services within Whitehaven and surrounding areas such as Hensingham;
- Generation of significant investment through the construction process, the creation of direct construction jobs and other jobs through indirect associated business;
- The provision of a combined New Homes Bonus to be reinvested in local services over a 6 year period.

#### **Social Benefits**

- Around 370 new, high quality homes to significantly boost the supply of housing to meet the Council's 5 Year Land Supply target;
- Improved choice of homes available to meet different population needs including affordable homes, larger family homes and bungalows;
- Provision of executive style homes for which there is an identified need;
- 15% provision of affordable homes to meet local need;
- Improved pedestrian connectivity for school children accessing Whitehaven's 2 secondary schools;
- Provision of publicly accessible open space.



### **Environmental Benefits**

- High quality landscaping scheme to ensure a coherent blend between new and existing housing and to provide wildlife corridors and buffers;
- Strong network of footpaths and greenspaces;
- Protection and strengthening of ancient woodland;
- Creation of new woodland and wetland habitats to strengthen existing wildlife corridors which will secure key habitats for local species, e.t, water voles, as well as attracting new wildlife.

3.1.4 In the context of the above matters and following a review of the revised NPPF, it is considered that the proposed development is entirely consistent with national planning policy and meets the aspiration for sustainable development and the need to significantly boost of new homes in Copeland.