

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Trade association, interest group, voluntary or charitable organisation

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

CPRE Sussex

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

No

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

No

Please enter your comments here

We support the national position of the Campaign to Protect Rural England (CPRE) that the final NPPF should refer to the UN Sustainable Development Goals.

We are very concerned about the 'presumption in favour of sustainable development' as set out in DNPPF para 11 and particularly the 'closed list' of restrictions within footnote 7. We disagree with the lack of weight given to local plan policies which reflect local priorities. We would like the list in footnote 7 to be returned to an 'indicative list' and for the last sentence 'It does not refer to Development Plans' to be deleted.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No

Please enter your comments here

We support the position of CPRE nationally.

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Our experience in discussing DNPPF para 14 and footnote 9 with local communities is that this whole section is convoluted and very difficult to understand. This whole element could perhaps be explained in one paragraph

without the need to cross reference multiple paragraphs and footnotes? We are very concerned that Neighbourhood Planning Policies receive less weight after just 2 years from referendum. The preparation of Neighbourhood Plans requires considerable time, effort and money and the good will of local communities to complete. Most Neighbourhood Plans are developed by volunteers and potentially having to review on a 2-year basis will constitute an almost non stop exercise which will result in Plans falling by the wayside as people's time is limited. To impose a requirement on communities which could mean updating Neighbourhood Plans on a two-year cycle is unreasonable and unsustainable. CPRE Sussex would like this period to be extended to 5 years to recognise the time and commitment made by local communities in formulating their own plans.

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Please select an item from this drop down menu

Please enter your comments here

We support the CPRE response that 'unmet need' should be considered nationally and that 'realistic' housing targets, which take into account the 'absorption rate' of development, should be set. LPAs should be given more mechanisms to ensure that allocated sites are built out before they have to find 'buffers' of additional sites, due to slow delivery by developers.

We would also like to see a definition of 'Strategic Matters' – for example in Sussex we have an area protected by the Habitats Regulations called the Ashdown Forest. Monitoring by Wealden District Council has shown that unacceptable levels of nitrogen deposition are occurring due to traffic along the A22 and the council has therefore limited growth and associated transport emissions. Cars which use this road come from many surrounding Districts so we would therefore consider this to be a 'cross boundary' issue. There are many similar environmental issues we would consider to be 'strategic' and indeed any approach to deliver a 'net gain' in biodiversity should be planned at scale.

Question 6

Do you have any other comments on the text of chapter 3?

We would like to reinforce the CPRE comment that HMAs are subjective and often imperfect and a better solution for meeting 'unmet need' would be for a 'national approach.' This means that in areas such as Sussex where meeting the full need (or demand) for housing would be unacceptable in terms of sustainable

development, that some of this need could be accommodated in other areas where there is more scope for development.

CPRE Sussex is very concerned that the current NPPF requirement (para 165) that 'planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area' is omitted from the DNPPF. We do not believe that up to date information about the natural environment is a barrier to decision making, indeed it enables better planning decisions and better planning outcomes. We would therefore like the reinstatement of this requirement within DNPPF para 16.

We are also concerned that Chapter 3 does not adequately support the delivery of infrastructure and essential services alongside housing. LPAs should be required to set out what infrastructure and affordable housing can realistically be secured through developer contributions. They should also identify any shortfalls in funding, the consequence of this shortfall and whether this can be met from other sources.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Please select an item from this drop down menu

Please enter your comments here

We welcome the requirement in DNPPF para 58 for Viability Assessments to be publicly available.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Yes

Please enter your comments here:

We support the draft PPG that the price paid for land should not be a valid reason for not meeting local plan policies or submitting a viability assessment.

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

We would support the use of mandatory review mechanisms for large and multi-phased development if it was clear that this should not be an opportunity for developers to negotiate down affordable housing commitments.

Question 10

Do you have any comments on the text of Chapter 4?

Engagement

We support the CPRE national response that DNPPF 41 is not justified as we cannot foresee any situation where engaging with the community would not be beneficial. We would like to see the stronger wording in DNPPF para 66 used in relation to all aspects of decision taking, not just design i.e. 'applicants will be expected to work closely with those directly affected by their proposals to take account of the views of the community. Proposals which can demonstrate this should be looked on more favourably.'

Viability

CPRE Sussex's view is that not only should viability assessments be made available for scrutiny by members of the public, as stipulated by paragraph 58, but they should be available without redaction – and should be informed by up-to-date financial data. These essential requirements should be stipulated in the new NPPF. The need for both is illustrated by the following example from West Sussex.

- In Horsham District, West Sussex, a majority of Councillors voted to permit an outline application to build 2750 houses and a business park on c.600 acres of countryside, including ancient woodland and productive farmland, North of Horsham (DC/16/1677).
- Although the site was allocated for development in the District's Inspector approved local plan with a policy requirement that nearly 1000 (35%) of the new homes would be affordable, the majority of the Councillors who decided the application accepted the applicant's position that the development could only provide 495 (18%), on the grounds of viability – even though the viability appraisal was deemed to be out-of-date and the likelihood that a new appraisal would show that the site could deliver more than 18%.
- Moreover, the majority of the Councillors who voted to permit the development had chosen to look at the redacted version of the applicant's viability assessment instead of the un-redacted not-available-for-public -scrutiny viability assessment, because they feared that legal action would be taken against them by the applicant, should they inadvertently disclose redacted content.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

In Sussex we have found the development of small sites to be faster than larger sites and also able to bring greater rewards to the local economy by using more local trades and materials. However, we would like clarification about the definition of 'small sites' as to whether the requirement relates to size, number of homes or both. We would like greater emphasis on developing small brownfield sites and a requirement for LPAs to proactively work to identify and promote these, in partnership with any neighbourhood planning or community groups.

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No

Please enter your comments here

We are particularly concerned that if adopted, the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020, would unjustly and unfairly penalize local planning authorities (LPAs) and communities where developers/house-builders under-deliver.

This is wrong and morally indefensible. (see Local Government Association: 'Unlocking the housing blockers. Tackling unimplemented planning permissions and housing delivery barriers in the South East', January 2017).

We draw your attention to Letter, dated 9 March 2018: The Rt Hon Sir Oliver Letwin MP *The Independent Review of Build Out* to The Rt Hon Philip Hammond MP Chancellor of the Exchequer and The Rt Hon Sajid Javid MP, Secretary of State for Housing, Communities and Local Government:

"The fundamental driver of build out rates once detailed planning permission is granted for large sites appears to be the 'absorption rate' – the rate at which newly constructed homes can be sold into (or are believed by the house-builder to be able to be sold successfully into) the local market without materially disturbing the market price".

And also to: House of Commons Communities and Local Government Committee report, 'Capacity in the homebuilding industry', 29Apr17, found that to recover their investment, developers will be more likely "*to build more slowly to maintain prices*".

And, as is acknowledged in the House of Commons Committee of Public Accounts' report: 'Housing: State of the Nation', 24 Apr 17, housing delivery rates are dependent on "*the health of the wider economy*".

Note also the findings of the Local Government Association: "More than 423,000 homes with planning permission waiting to be built", February 2018:
<https://www.local.gov.uk/about/news/more-423000-homes-planning-permission-waiting-be-built>:

"In 2015/16, the total number of unimplemented planning permissions in England and Wales was 365,146, rising to 423,544 in 2016/17.

The figures also show that developers are taking longer to build new homes. It now takes 40 months, on average, from schemes receiving planning permission to building work being completed – eight months longer than in 2013/14.

The planning system is not a barrier to building. Councils are approving nine in every 10 planning applications, and granted planning permission in 2016/17 for 321,202 new homes - up from 204,989 new homes in 2015/16".

See also: Local Government Association: 'Unlocking the housing blockers. Tackling unimplemented planning permissions and housing delivery barriers in the South East', January 2017).

We strongly disagree with the need to include 'buffers' (DNPPF para 74,76) as part of five-year housing supply calculations if delivery of housing in an area falls behind the housing requirement, often for reasons beyond the LPAs control (such as developers slowing build out rates to ensure profitability.) If a Council has allocated enough land to meet a 5 year housing land supply, then instead of allowing developers to 'cherry pick' the best sites, the focus should be on getting allocated sites delivered.

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

No

Please enter your comments here

We agree with CPRE nationally that DNPPF para 72 subverts the entire purpose of exception sites and should be deleted. Where there is an identified local need, councils should be empowered to set targets for affordable housing on all sites, including developments of under 10 homes.

Question 14

Do you have any other comments on the text of Chapter 5?

Methodology for Assessing Housing Need

Although we support a standard methodology for assessing housing need, we do not think the methodology set out in pp 24-5 of the DPPG is the right methodology. This approach will result in disproportionately high housing targets being set in areas of high market demand, such as Sussex, at the expense of other areas in more need of investment. We do not believe that this approach will bring down the affordability ratio since house pricing is driven by a range of factors, not simply supply.

Maintaining Supply and Delivery

We agree with CPRE nationally that DNPPF para 78, does not provide LPAs with the enforceable means needed to ensure that developers meet annual house-building targets and five year requirements. We agree with CPRE that the Housing Delivery Test should be deleted from the DNPPF or radically re-written. This test will incentivise developers to slow their delivery in order to ensure that more (usually greenfield) sites are put forward for development and therefore not support an effective plan-led system. We would like to see a focus on getting allocated sites delivered, for example giving LPAs more powers/resources in terms of compulsory purchase of stalled sites or levying council tax on undeveloped sites, or introducing site value rating for sites with permissions.

A major difficulty is that once permission for homes is approved, LPAs lack powers to ensure that they are built, but are nevertheless penalized by the Government, when developers fail to build house in numbers sufficient to meet housing requirements. This is wrong and morally indefensible (see Local Government Association: 'Unlocking the housing blockers. Tackling unimplemented planning permissions and housing delivery barriers in the South East', January 2017).

Note the findings of the Local Government Association: "More than 423,000 homes with planning permission waiting to be built", February 2018:
<https://www.local.gov.uk/about/news/more-423000-homes-planning-permission-waiting-be-built> :

"The LGA, which represents 370 councils in England and Wales, says the new analysis underlines the need for councils to be given greater powers to take action on unbuilt land which has planning permission.

It says councils need powers to act on uncompleted schemes, including making it easier to compulsory purchase land where homes remain unbuilt, and to be able to charge developers full council tax for every unbuilt development from the point that the original planning permission expires".

We draw your attention to the letter, dated 9 March 2018: The Rt Hon Sir Oliver Letwin MP *The Independent Review of Build Out* to The Rt Hon Philip Hammond MP Chancellor of the Exchequer and The Rt Hon Sajid Javid MP, Secretary of State for Housing, Communities and Local Government:

“The fundamental driver of build out rates once detailed planning permission is granted for large sites appears to be the ‘absorption rate’ – the rate at which newly constructed homes can be sold into (or are believed by the house-builder to be able to be sold successfully into) the local market without materially disturbing the market price”.

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The figures also show that developers are taking longer to build new homes. It now takes 40 months, on average, from schemes receiving planning permission to building work being completed – eight months longer than in 2013/14.

The planning system is not a barrier to building. Councils are approving nine in every 10 planning applications, and granted planning permission in 2016/17 for 321,202 new homes - up from 204,989 new homes in 2015/16”.

See also: Local Government Association: ‘Unlocking the housing blockers. Tackling unimplemented planning permissions and housing delivery barriers in the South East’, January 2017).

Affordable Homes

CPRE Sussex is disappointed and very concerned that although the need for affordable homes is recognised in the DNPPF paras 62, 63 and 65, the wording does not and will not address the chronic shortage of affordable homes, including affordable rented homes/social-renters. The reduction in delivery of affordable homes following viability assessments has been well documented (See for example: Shelter: ‘Slipping through the loophole. How viability assessments are reducing affordable housing supply in England’, November 2017, Rose Grayston).

Paragraph 65 of the DNPPF stipulates that “Where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership 23 (footnote 23: “as part of the overall affordable housing contribution from the site”).

10% is considerably less than the proportion required by local plan policies in Sussex, for example the Horsham Planning Policy Framework has a strategic policy requirement for 35% affordable homes.

Accordingly, CPRE Sussex is concerned that the expectation of only 10% affordable homes stipulated at paragraph 65 will enable developers to continue to deliver levels of affordable housing, significantly less than is required by local plans.

Although we welcome the expectation that major developments should include homes for affordable home ownership as part of the spectrum of housing solutions required to meet local needs, this should not be at the expense of the socially rented sector and should be related to an assessment of the need for each type of tenure.

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

No

Please enter your comments here

We support the position of CPRE nationally

Question 16

Do you have any other comments on the text of chapter 6?

No

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Question 18

Do you have any other comments on the text of Chapter 7?

No

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No

Question 20

Do you have any other comments on the text of Chapter 8?

We support the position of CPRE nationally

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Please select an item from this drop down menu

Please enter your comments here

No

Question 23

Do you have any other comments on the text of Chapter 9?

No

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

No

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Question 27

Do you have any other comments on the text of Chapter 11?

We support the position of CPRE nationally

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

We support the position of CPRE nationally

Question 29

Do you have any other comments on the text of Chapter 12?

No

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 31

Do you have any other comments on the text of Chapter 13?

No

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

We support the position of CPRE nationally that the DNPPF does not adequately address our commitments under the Climate Change Act 2008 and that footnote 39 should be re-worded. We also agree that development must be avoided in areas of 'significant' risk of flooding and not just 'high risk' as DNPPF 154 currently states. Rather than permitting development in flood-prone areas under certain qualifications, the presumption should be against this development except in exceptional circumstances.

Development should only be considered for medium flood risk areas or below, with medium risk areas subject to the sequential/exception tests. Any developments above medium risk should not be permitted, especially as the guidance on acceptable flood risk above this level is ambiguous at best. Flood Risk Assessments should be undertaken not only for development on sites of higher flood risk, but also for any development in Flood Zone 1 when the site is 1 hectare

or more, and for land which has been identified by the Environment Agency as having critical drainage problems. FRAs should be far more detailed (being able to quantifiably demonstrate that any new development is sustainable, at low flood risk, and safe for its lifetime) before being accepted, and should apply at plan allocation stage as well as application stage. FRAs must also include similar measures and procedures for groundwater risks as well as coastal, fluvial or surface water flooding, before they are accepted at plan-making stage.

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Yes

We support the position of CPRE nationally

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

No

Please enter your comments here

CPRE Sussex notes the statement in HM Government's '*A Green Future: Our 25 Year Plan to Improve the Environment*', page 18 states that "Over the next 25 years, our policy choices will be better-informed with a natural capital approach. Not all aspects of natural capital – the contribution of wildlife, for example – can be robustly valued at present and we do not always need to know a monetary value to know that something is worth protecting. For this reason we regard it as a tool, not an absolute arbiter. It is just one tool among many in the formation of policy but a very powerful one in ensuring that we think of our responsibility to future generations to hand on a country, and a planet, in a better state than we found it".

We note also the statement and commitment given in the Foreword to the 15 Year Plan (at page 7) that "Population growth and economic development will mean more demand for housing and this Government is committed to building many more homes.

However, we will ensure that we support development and the environment by embedding the principle that new development should result in net environmental gain – with neglected or degraded land returned to health and habitats for wildlife restored or created”.

We note, too, the acknowledgment (at page 15) that “*The uplifting sights, sounds and smells of our natural and urban environments are integral to our daily lives. More fundamentally, the environment is life-giving. It nourishes and nurtures all life, human, animal or plant. We rely on our blue and green spaces for food, water and the air we breathe. Each vital element is a gift from a healthy, well-functioning planet. In turn, we are healthier and feel better the more time we spend out and about in the natural world.*”

And also the Government’s stated intent (at page 15) that “*Through this Plan we want to ensure an equal distribution of environmental benefits, resources and opportunities. At present, children from minority ethnic backgrounds and lower income homes are the least likely to visit our countryside. This should change, so that everyone has the chance to benefit from getting close to nature and appreciating all it has to offer. In turn, they will want to protect and enhance the world around them*”.

We are concerned that contrary to the Plan’s aspirations and intentions, Chapter 15 of the DNPPF would not, as it should, meet the requirements and aspirations of the 25 Year Plan and would not fulfil the Government’s responsibility to future generations to hand on a country, and a planet, in a better state than we found it.

Our experience in Sussex is that the reality of planning and decision-taking by LPAs and Planning Inspectors, in respect of applications and permissions for development on green field sites in undesignated countryside, is that harm or the potential to cause harm to the natural environment is of little or no consequence in decision-taking. We find that assessments of how a proposed development could or would impact on the natural environment are often confined to basic ‘phase 1’ ecological appraisals and desk-top studies that are not informed by systemic surveys of wildlife that actually resides, breeds or visits proposed development sites,, and that [Natural England](#) and [Department for Environment, Food & Rural Affairs](#) ‘Standing advice for local planning authorities to assess the impacts of development’, notably ‘to assess the impact of development on wildbirds’, is routinely overlooked or ignored.

It is CPRE Sussex’s view the DNPPF’s Chapter 15 should at the very least, include a requirement for LPAs to comply fully with Natural England’s ‘standing advice’ for them to assess the impacts of development on wildlife and habitats, including the impact of development on wildbirds, and a requirement that developers provide LPAs with biodiversity/ecology appraisals informed by systemic surveys of species including those residing, breeding and/or visiting the site. This information is also needed to enable mitigation measures to be properly determined and to inform the schemes required to enhance biodiversity and ecological networks.

As with national CPRE, we draw your attention to The Wildlife Trusts' Homes for people and wildlife. How to build housing in a nature –friendly way, which explains how 'housing developments designed with environmental sensitivity and green infrastructure at their heart can deliver multiple social, environmental and economic benefits. Nature-rich housing can provide benefits for everyone - from developers to home-owners'. This document shows that there need not be a dichotomy between housing developments and conserving and enhancing the natural environment.

National Parks and AONBs

Important text has been removed from the opening sentence of DNPPF para 170: (shown in capitals below):

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, WHICH HAVE THE HIGHEST STATUS OF PROTECTION IN RELATION TO LANDSCAPE AND SCENIC BEAUTY.

It is crucial that the wording 'have the highest status of protection' remains in the NPPF, as not having that clarity could potentially open up debates about the level of planning protection.

We agree with CPRE nationally that the opening sentence of DNPPF 170 should be rewritten as:

'Great weight should be given to conserving the landscape and scenic beauty of National Parks, the Broads and Areas of Outstanding Natural Beauty which should be given the highest level of protection in the planning system.'

We believe that DNPPF 170 second sentence should be revised as shown in bold: 'The conservation of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks, the Broads **and Areas of Outstanding Natural Beauty**'

We also agree with CPRE nationally that the major development test should apply in the settings of designated landscapes.

It is of paramount importance that the Government **issues more guidance on how the major development test should be applied** by providing good practice examples, helping to define term such as 'great weight', 'exceptional circumstances' (e.g. to clarify that this does not include meeting OAN or a shortfall in meeting the Housing Requirement), 'public interest' (there should be a very high and carefully specified requirement for this), and 'national considerations'.

Question 35

Do you have any other comments on the text of Chapter 15?

We support the position of CPRE nationally

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

We support the position of CPRE nationally

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

We support the position of CPRE nationally. Whilst the focus of their response relates to unconventional gas exploitation, the issue in the South East of England is the unconventional exploitation of oil in the Wealden basin, much of which underlies the South Downs National Park and High Weald AONB and numerous SSSIs. Oil exploitation raises different issues to gas, with the economic security case for onshore exploitation being much weaker and the environmental case against it being comparatively much stronger.

The inadequate statutory definition of hydraulic fracturing and the NPPG definition of unconventional drilling are already at odds with one another. The statutory definition of fracking limits the term to certain drilling activities within shale layers, so it does not treat as fracking substantially the same acid-stimulating drilling processes within limestone layers - which is where much of the Wealden oil so far discovered lies. The NPPG says that exploitation of hydrocarbon reserves within limestone rocks is not even to be treated as unconventional even though acid stimulation to release the hydrocarbons is required. So - the South Downs National Park and High Weald do not in fact enjoy the protection from oil exploitation that their status merits and that the Government itself promoted as having been achieved.

Our strong preference is for the DNPPF to regulate a halt to all unconventional exploitation of all onshore hydrocarbon reserves for the reasons given in the response to this consultation by CPRE nationally, or failing that for a moratorium on onshore oil exploitation using any acid stimulation process in any rocks since the energy security justification for further large scale unconventional onshore oil exploitation is a particularly weak one.

If, contrary to this ambition, the Government were to decide not to require a cessation of unconventional onshore oil or gas exploitation, we call for the following changes to the proposed DNPPF regime regarding hydrocarbon exploration and extraction:

- Whilst the DNPPF cannot resolve the necessary change to the statutory definition of fracking, it can and should direct the planning regime for onshore hydrocarbons by reference to a standard that treats as unconventional the extraction of hydrocarbons from any rocks by any fracturing process requiring stimulation; and that introduces additional potential hazards that require additional protections and geographic limitations as to the places where they are permitted. In our view therefore the regulations should extend to all unconventional onshore hydrocarbon exploitation activities the safeguards and conditions introduced by the Infrastructure Act into s.4A of the Petroleum Act 1998 in respect of hydraulic fracturing (as defined for the purpose of that Act). Amongst other benefits this would put acid fracking into limestone on a level playing field with shale fracking as far as restrictions on exploitation of hydrocarbons within National Parks, AONBs and SSSIs are concerned.

- Instead of actively promoting unconventional hydrocarbon exploitation the DNPPF should (a) distinguish the claimed economic and other benefits of unconventional oil exploitation from those that apply to gas, as they are unexplained within the DNPPF and they are not the same; (b) cease positively to encourage minerals planning authorities to support unconventional hydrocarbon exploitation by requiring great weight to be given to those claimed benefits (para 201(a)), and instead require MPAs to undertake a robust balancing exercise between whatever benefits a development application offers and the climate change and other environmental implications of the proposed scheme (considered in combination with other similar existing and proposed developments); and (c) delete from draft para 204(a) the reference to unconventional hydrocarbon exploitation “supporting the transition to a low carbon economy” since investment in fossil fuel exploitation is incompatible with and can only delay that necessary transition.

- Minerals Planning Authorities should be given a freer hand to impose bonds or other financial guarantees to underpin planning conditions than draft para 201(e) would permit by reference to individual applicants and situations. Oil exploitation applicants in the Weald are mostly small speculative enterprises with insecure balance sheets and no public reputation to protect, and there is a public benefit in allowing MPAs to ensure their long-term obligations to restore a drilling site to its former condition and monitor its safety.

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Please select an item from this drop down menu

Please enter your comments here

We support the position of CPRE nationally

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

Click here to enter text.

Glossary

Question 43

Do you have any comments on the glossary?

We support the position of CPRE nationally