

October 2013

Plan for Stafford Borough Examination Statement

Matter 9: Environment

On behalf of Taylor Wimpey (UK) Ltd and Bellway Homes Ltd

Prepared by Colin Campbell BSc (Hons) DipTP MRTPI

Savills (UK) Limited
Unex House
132-143 Hills Road
Cambridge
CB2 8PA

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would not have been subject to an assessment for the cumulative impact on viability as required by the NPPF. Since BFL was launched in 2003 it has been subject to two rounds of changes. The current version BFL12 is considerably different to the previous version.

Change sought: Delete criterion c of Policy N1

5. Policy N2 requires residential development to comply with the current level in Code for Sustainable Homes (CfSH) and non-residential developments in excess of 1,000 square metres to achieve BREEAM *Excellent*.
6. We have no doubt that there is an urgent need to tackle Climate Change and use resources more efficiently. However, we do not consider that this is an issue which the *Plan for Stafford Borough* needs to address. The planning system is already complex and presents many obstacles to delivering much needed new homes and jobs. Asking the planning system to duplicate provisions carried out elsewhere is therefore unnecessary.
7. Requiring compliance with other regimes is unnecessary and burdensome. The Government's approach² seeks to reduce the burden of regulation. It states that:
 - eliminating the avoidable burdens of regulation and bureaucracy, the Government aims to promote growth, innovation and social action;
 - freeing businesses from unnecessarily burdensome regulation, and simplifying the complex regulatory system, can free up the capacity they have to innovate, diversify and grow.
8. The effect of Policy N2 will be to require developers to submit interim CfSH Certificates as evidence of compliance. This will increase costs and is unnecessary as the Building Regulations will need to be complied with in any event. The effect of the policy is to increase costs to developers at an earlier stage in the development process, when planning permission is uncertain. The Council has no need to understand whether the design of homes at the planning application stage can meet the energy standards as any development will need comply with the Building Regulations in any event.
9. The Government is currently reviewing the approach to standards affecting house building¹². The aim of the consultation is to seek views on the results of the recent review of Building Regulations and housing standards. The consultation document states

"This was a radical reform of the framework of building regulations, guidance, local codes and standards which aimed to reduce bureaucracy and costs on house builders - supporting growth whilst delivering quality, sustainability, safety and accessibility."

It goes on to state:

"This consultation therefore proposes a clear differentiation between standards which can be asked for subject to viability – which will be set out in a "nationally described standard set" under the National Planning Policy Framework; and areas where voluntary, market led approaches are to be encouraged, but cannot be mandated through planning policy."

² Reducing Regulation Made Simple, HM Government, December 2010

¹² Housing Standards Review – Consultation [DCLG; August 2013]; and Next steps to zero carbon homes – Allowable Solutions – Consultation [DCLG; August 2013]

10. There is clear expectation that there will be change in this area and it would be inappropriate therefore to include with policy compliance with standards which look increasingly likely to be abandoned, or to be specified nationally. Inclusion of such a policy could quickly be rendered out of date. Such a policy is unnecessary in any event, as at present, in terms of energy and water it simply appears to require compliance with the Building Regulations in any event. Other elements of the CfSH, such as ecological enhancements are required in any event by other policies of the plan.
11. We also have concerns regarding some of the initiatives which are said to be required. For example, the policy seeks to maximise solar gains. Most new developments are now seeking to deal with overheating as an issue rather than to orientate to maximise solar gains.
12. As set out on the consultation on the Housing Standards Review (paragraphs 229 and 230), in order to meet Building Regulations moving forward new buildings are likely to need to provide renewable technologies to meet the standards. However, it should be for the industry to best determine how it complies with standards set out in the Building Regulations. It may be that for some developers on-site renewable provision provides the best option, but for others that enhanced insulation is more appropriate. The plan should not be prescriptive about such measures and is not in line with emerging Government approach to these issues.
13. BREEAM as a tool is regularly reviewed to ensure that *Excellent* is always in advance of the standards in building regulations. Accordingly, once changes to the Building Regulations are made, what is currently BREEAM *Excellent* will become BREEAM *Very Good*, and a standard in advance of current *Excellent* will become the new *Excellent*. The policy therefore requires developers to comply with a standard which may not yet be known and therefore it can not have been tested for its impact on viability in accordance with paragraph 174 of the NPPF.
14. As we have already raised under BFL12, the policy also requires compliance with standards which are outside the Council's control and could change significantly. As a point of principle, the plan should not require compliance with such standards.

Change sought: In Policy N2 delete section relating to sustainable construction

CANNOCK CHASE SPECIAL AREA OF CONSERVATION & AONB (Policies N6-N7)

- a) *Does Policy N6 provide an appropriate, effective and soundly based framework for retaining and protecting the integrity of the Cannock Chase Special Area of Conservation, including mitigation measures, which is fully justified with evidence, positively prepared and consistent with national policy;*
- i) *Does the approach reflect the approaches of other neighbouring planning authorities and the latest outcome of various HRA/SAC assessments, and are any further amendments needed to the policy to reflect the latest views of Natural England and the Cannock Chase SAC Partnership?*
 - ii) *Does Policy N6 give sufficient consideration to the proposed scale, nature and implementation of measures to mitigate the impact of new development, including SANGS, the extent of the SAC zone of influence, cross-boundary, air quality and viability issues, the relationship with green/environmental infrastructure, and the approach to developer contributions?*
- b) *Are the approach and principles set out in Policy N7 for conserving and enhancing the landscape and natural beauty of the Cannock Chase AONB appropriate, effective, justified and consistent with national policy?*
15. We acknowledge that Cannock Chase SAC is vulnerable and important, and that measures are required to safeguard and improve the quality of the habitat. However, we consider that the approach to estimating the impact of new housing in the evidence base is unsound and that therefore any request for funding or provision on-site under S106 will potentially fall foul of the CIL Regulations. We also consider that the evidence base is not sufficiently robust to support the approach set out.
16. The SANGs Visitor and Mitigation Reports, Footprint Ecology 2012 (D30 and D32), draw conclusions regarding impact on Cannock Chase SAC based on an assumption that dwellings numbers within the zone of influence for the SAC will increase by 10%. Whilst that may be so, the visitor survey sets out no logical rationale for how and why the 10% increase in dwellings will result in a 15% increase in population and hence visitors. Further assessment of the demographic drivers behind the need for more homes is needed to inform a sound strategy for considering the impact upon and mitigation measures for, the SAC.
17. The SHMA (D5) identifies (para. 4.67) that population in Stafford Borough is projected to increase by 18,900 in the plan period. Of those, 15,800 will be aged over 60 and 11,800 over 75. The SHMA identifies therefore a significant need for provision for elderly persons, especially care provision. Whilst people are in part living longer because they are healthier, it also seems logical to conclude that as the population ages they will make fewer trips to the SAC than an equivalent population with a younger age profile. That would certainly appear to be the case for mountain biking.
18. A significant driver of the need for new homes is also single person households, for example, through relationship breakdowns and people living longer. Again it is not logical to conclude that more homes simply means more trips given that many homes will simply be accommodating existing persons living alone.
19. The 12 mile zone of influence is not supported by the 2012 Visitor Survey Report (D30) which suggests a 15km (9 miles) cut off. However, more information and analysis is required on defining the zone of influence and therefore the contribution zones in order for the approach to be shown to be sound. For example, a major effect on the SAC is dog walking. People living in developments some miles away may visit the SAC for dog walking on occasion, but those living closer are more likely to visit more often. The approach however does not propose to request greater contributions from those nearer and therefore having a greater impact. The approach does not therefore comply with CIL Regulation 122 which requires that contributions are fairly and reasonably related. A much finer grain of analysis is required in order to demonstrate impact.

20. Given that financial contributions will be sought toward SANGs, more information and analysis is required on the impacts of new housing in order for the approach to be shown to be sound.
21. Policy N6 requires that mitigation measures are *secured* prior to development being approved. Clearly such measures can not be secured ahead of a S106 agreement being signed and planning permission being issued.
22. Policy N6 effectively delegates decisions to a document outside of the Council's control – it requires that contributions are made in accordance with the Cannock Chase Visitor Impact Mitigation Implementation Plan. That plan has not been subject of scrutiny and could change outside of the Council's control. The approach is not sound.
23. We consider that the approach to financial contributions and/or on-site measures is insufficiently justified and needs to be deleted. The policy would then effectively be left as stating that there should be no adverse impact upon the integrity of the SAC. That is, of course, a statutory requirement, and accordingly does not need to be repeated in policy.
24. We do not consider it appropriate for the policy to dictate specific provision within the SDLs. The provision in SDLs should be based upon site specific and local factors and seek to deliver multi-functional greenspace.

Change sought: Delete Policy N6