

# Legislation & Policy



## 3 Legislation and Policy

---

### 3.1 The Legal Framework

3.1.1 The planning application and this ES are submitted to the Borough Council in accordance with the Town and Country Planning Act 1990 (as amended) and its secondary legislation, which includes the EIA Regulations, which itself implements the EIA Directive (see Section 1.3 for further details). Whilst other legislation might be relevant, no other consents are applied at this time.

### 3.2 The National Planning Policy Framework

3.2.1 The National Planning Policy Framework (NPPF)<sup>1</sup> sets out the Government's planning policies for England and how it expects them to be applied. It establishes the overall framework for planning policies on the delivery of sustainable development through the planning system. Further interpretation of the NPPF is given in the National Planning Practice Guidance (NPPG)<sup>2</sup>.

#### The Presumption in Favour of Sustainable Development

3.2.2 At the heart of the NPPF (paragraph 7) is the 'presumption in favour of sustainable development' to which there are three dimensions:

- An economic role – by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment by helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.2.3 The NPPF states that these three dimensions of sustainable development should not be undertaken in isolation because they are mutually dependant; the NPPF as a whole reflects the Government's view of what sustainable development means in practice (paragraph 6). In determining proposals, local planning authorities are required to apply this presumption in favour of sustainable development (NPPF paragraph 197).

3.2.4 The NPPF paragraph 14 is clear that proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out of date, the NPPF advocates that permission should be granted unless:

- The adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- The policies in the Framework indicate that development should be restricted.

### Core Principles

3.2.5 NPPF paragraph 17 sets out the core planning principles, including encouraging:

- The proactive support for sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places;
- Mixed use developments and multiple benefits from the use of land in urban and rural areas;
- High quality design and a good quality of amenity;
- Transition to a low carbon future in a changing climate, taking account of flood risk, and encouraging the use of renewable sources; and
- Contribute to conserving and enhancing the natural environment and reducing pollution.

### Building a Strong, Competitive Economy

3.2.6 The Government is committed to securing sustainable economic growth, creating jobs and prosperity through support from the planning system (NPPF paragraph 18). Local authorities should plan proactively to meet the development needs of businesses (paragraph 20).

### Promoting Sustainable Transport

3.2.7 Transport policies are expected to play a central role in promoting and facilitating sustainable development and in turn contribute to wide sustainability and health objectives (NPPF paragraph 29). Reductions in congestion and greenhouse gas emissions should be supported through development which promotes and facilitates sustainable mode of transport, through location as well as layout. Such targets can be further support through Travel Plans submitted in support of applications (paragraph 36).

### Delivering a Wide Choice of High Quality Homes

3.2.8 To widening the choice of high quality homes, local planning authorities are required to plan for a mix of house sizes, types and tenures to meet local needs (NPPF paragraph 50). The NPPF seeks to significantly boost the supply of housing and requires local authorities to maintain a sufficient supply of specific deliverable sites to ensure choice and competition in the market for land (paragraph 47).

### Requiring Good Design

3.2.9 The promotion of good design is one of the NPPF's core planning principles. The NPPF states that good design is indivisible from good planning (paragraph 56) and permission should be refused for developments of poor design that fail to take the opportunities available for improving the quality and character of an area and the way it functions (paragraph 64).

3.2.10 NPPF paragraph 58 states that local planning authorities should aim to ensure that new developments:

- Will function well and add to the overall quality of the area;
- Establish a strong sense of place;

- Optimise the potential of the site to accommodate development, creating and sustaining an appropriate mix of uses (including the incorporation of public open space);
- Respond to local character and history whilst not preventing or discouraging innovation;
- Create safe and accessible environments;
- Are visually attractive as a result of good architecture and appropriate landscaping.

### Promoting Healthy Communities

3.2.11 The NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To deliver the social and recreational facilities the community needs, opportunities should be sought to plan for the provision and use of shared open space and community facilities, such as sports buildings, to enhance the sustainability of communities and residential environments (paragraph 69). Local planning authorities should aim to achieve safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

### Meeting the Challenge of Climate Change, Flooding and Coastal Change

3.2.12 The NPPF recognises the role planning has to play in reducing the impacts of climate change. Paragraph 95 states that new development should be planned in locations and ways which reduce greenhouse gas emissions. Paragraph 100 states that new development should be planned to avoid increased vulnerability from flooding, and should be made safe without increasing flood risk elsewhere.

### Conserving and Enhancing the Natural Environment

3.2.13 The NPPF outlines how the planning system should seek to minimise the impact on, and provide net gains in biodiversity. This can be achieved through establishing coherent ecological networks resistant to current and future pressures. Paragraph 109 states that the natural and local environment should be enhanced by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

3.2.14 NPPF paragraph 118 states that planning permission should be refused if significant harm to the natural environment cannot be avoided, adequately mitigated or, as a last resort, compensated. Proposals that conserve, enhance or incorporate biodiversity should be encouraged and permitted.

3.2.15 Paragraph 120 states that planning policies and decisions should consider ground conditions and land stability, flood risk, air quality, noise and the risk of other pollutants. Paragraph 124 confirms that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

### Conserving and Enhancing the Historic Environment

3.2.16 NPPF states that heritage assets should be conserved in a manner appropriate to their significance (paragraph 126). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Substantial harm to or loss of a listed building, park or garden should be exceptional (Grade II) or wholly exceptional (Grades I or II\*) (paragraph 133). Where a development proposal will lead to less than substantial harm, this harm should be considered against the public benefits of the proposal (paragraph 134).

### 3.3 The Development Plan

3.3.1 The Town and Country Planning Act (as amended) states that a planning application should be considered in the context of the development plan for the area. The development plan for the proposed development comprises the following adopted policy documents:

- The St Edmundsbury Core Strategy (December 2010)<sup>3</sup>;
- The Haverhill Vision 2031 (September 2014)<sup>4</sup>; and
- The Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015)<sup>5</sup>.

### Policies Directly Affecting the Proposed Development Site

3.3.2 The Core Strategy makes provision for the strategic growth of Haverhill in Policy CS12:

*"An Area Action Plan DPD will be prepared for Haverhill that will provide a co-ordinated spatial planning framework for the whole town including the release of larger, strategic, greenfield, sites.*

*Land north-west of Haverhill allocated in Policies HAV2 and HAV8 of the Replacement St Edmundsbury Borough Local Plan 2016 is confirmed by this Core Strategy, with the potential to deliver 1,150 new homes and other services and facilities and the north-west relief road. The development will be undertaken in accordance with the masterplan that was approved by the Council in June 2009.*

*In addition, it will be necessary to release a larger, strategic greenfield site at Haverhill to deliver the development strategy of the Local Development Framework. Subject to other relevant policies, in particular CS2, the site will be released in a phased manner, having regard to the spatial strategy in Policy CS1, and the need to ensure that all essential infrastructure is in place before any development is*

*occupied and that agreements are in place to deliver the desirable infrastructure required as a result of the development.*

*Land on the north-eastern edge of Haverhill will:*

- *Maintain the identity and segregation of Kedington and Little Wrating;*
- *Provide new high quality strategic public open space and recreation facilities;*
- *Protect by appropriate means the Scheduled Ancient Monument at Wilsey Farm;*
- *Provide improved public transport, foot and cycle links to the town centre and other locally significant leisure, employment and service destinations;*
- *Deliver additional education, community and leisure facilities to meet the needs of this development and is located in a way that can achieve positive integration with the wider area;*
- *Deliver around 2,500 homes of mixed tenure and size, including affordable homes; and.*
- *Provide opportunities for B1 use class local employment.*
- *It is unlikely that the development at the north-eastern edge will commence before 2021. The actual amount of development will be determined by environmental and infrastructure capacity considerations and the preparation and adoption of detailed masterplans in which the local community and other stakeholders have been fully engaged.*
- *Provision of affordable housing and, where appropriate, sites for gypsy's and travellers should be made in accordance with Policies CS5 and CS6."*

3.3.3 The Area Action Plan DPD referred to in Policy CS12 is the Haverhill Vision 2031, which makes provision for the proposed development site in Policy HV4:

*"138ha of land at north-east Haverhill as identified on the Policies map is allocated for development in accordance with the provisions of Policy CS12 of the Core Strategy.*

*A buffer is identified on the Policies Map which could provide a variety of supporting uses which may include amenity/recreational open space, agricultural land, landscaping, Sustainable Urban Drainage (SUDS).*

*Applications for planning permission will only be determined once the masterplan for the whole site has been adopted by the local planning authority. The masterplan should be prepared in accordance with the content of the adopted concept statement unless a material change in circumstances indicates otherwise.*

*If planning application(s) to develop all or part of the site come forward in advance of the provision of the North-West Relief Road, permission will not be granted unless it is demonstrated that the transport impacts can be satisfactorily mitigated without the Relief Road."*

3.3.4 Subsequently a masterplan document has been prepared and is currently in the process of being adopted by the Borough Council as a Supplementary Planning Document (SPD).

### Other Relevant Local Planning Policies

3.3.5 Table 3.1 sets out the local policies that have been considered during the EIA and the most relevant assessment chapters. More detailed consideration of those policies is given in the respective chapter.

3.3.6 A number of policies in the Joint Development Management Policies Document consider issues of sustainable design that do not directly relate to the assessment of potentially significant effects on the environment. These issues are considered in detail in the separate Sustainability Statement that accompanies the planning application and, where relevant, summarised in Chapter 4 of this ES.

**Table 3.1: Policy Matrix**

	Society and Economy	Transport	Noise & Vibration	Ecology & Arboriculture	Agricultural Resources	Surface Water Drainage & Flood Risk	Local Air Quality	Archaeology	Cultural Heritage	Landscape & Visual Amenity
Chapter No.	6	7	8	9	10	11	12	13	14	15
<b>Core Strategy</b>										
CS1 'St Edmundsbury Spatial Strategy'	✓	✓								
CS2 'Sustainable Development'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CS3 'Design and Local Distinctiveness'	✓	✓							✓	✓
CS5 'Affordable Housing'	✓									
CS7 'Sustainable Transport'		✓								
CS8 'Strategic Transport Improvements'		✓								✓
CS9 'Employment and the Local Economy'	✓									
CS10 'Retail, Leisure, Cultural and Office Provision'	✓									
CS12 'Haverhill Strategic Growth'	✓	✓						✓	✓	✓
CS14 'Community Infrastructure Capacity and Tariffs'	✓	✓								✓
<b>Haverhill Vision 2031</b>										
HV1 'Presumption in Favour of Sustainable Development'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HV2 'Housing Development Within Haverhill'	✓									
HV4 'Strategic Site – North East Haverhill'	✓	✓			✓	✓				✓
HV8 'New & Existing Local Centres & Community Facilities'	✓									
HV11 'Out of Centre Retail Proposals'	✓									
HV12 'Haverhill Northern Relief Road'		✓								
HV14 'Allotments'	✓									

	Society and Economy	Transport	Noise & Vibration	Ecology & Arboriculture	Agricultural Resources	Surface Water Drainage & Flood Risk	Local Air Quality	Archaeology	Cultural Heritage	Landscape & Visual Amenity
Chapter No.	6	7	8	9	10	11	12	13	14	15
HV15 'Safeguarding Educational Establishments'	✓									
HV18 'Green Infrastructure in Haverhill'	✓			✓				✓	✓	✓
<b>Joint Development Management Policies Document</b>										
DM1 'Presumption in Favour of Sustainable Development'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DM2 'Creating Places – Development Principles and Local Distinctiveness'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DM6 'Flooding and Sustainable Drainage'						✓				
DM10 'Impact of Development on Sites of Biodiversity and Geological'				✓						
DM11 'Protected Species'				✓						
DM12 'Mitigation, Enhancement, Management and Monitoring of Biodiversity'				✓						
DM13 'Landscape Features'										✓
DM14 'Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards'			✓	✓	✓	✓	✓			✓
DM15 'Listed Buildings'									✓	
DM20 'Archaeology'								✓		
DM22 'Residential Design'		✓								
DM23 'Special Housing Needs'	✓									
DM36 'Local Centres'	✓									
DM41 'Community Facilities and Services'	✓									
DM42 'Open Space, Sport and Recreation Facilities'	✓									
DM44 'Rights of Way'										✓
DM45 'Transport Assessments and Travel Plans'		✓								
DM46 'Parking Standards'		✓								
<b>Supplementary Planning Documents</b>										
Open Space, Sport and Recreation Facilities (December 2012)	✓									
Affordable Housing (October 2013)	✓									



---

### 3.4 References

- 1 DCLG. (March 2012). National Planning Policy Framework.
- 2 DCLG. (March 2014). National Planning Practice Guidance.
- 3 St Edmundsbury Borough Council. (December 2010). The St Edmundsbury Core Strategy.
- 4 St Edmundsbury Borough Council. (September 2014). Haverhill Vision 2031.
- 5 Forest Heath District Council & St Edmundsbury Borough Council. (February 2015). The Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document.