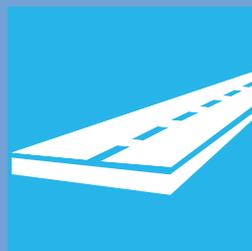
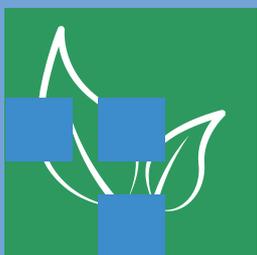


# Policies

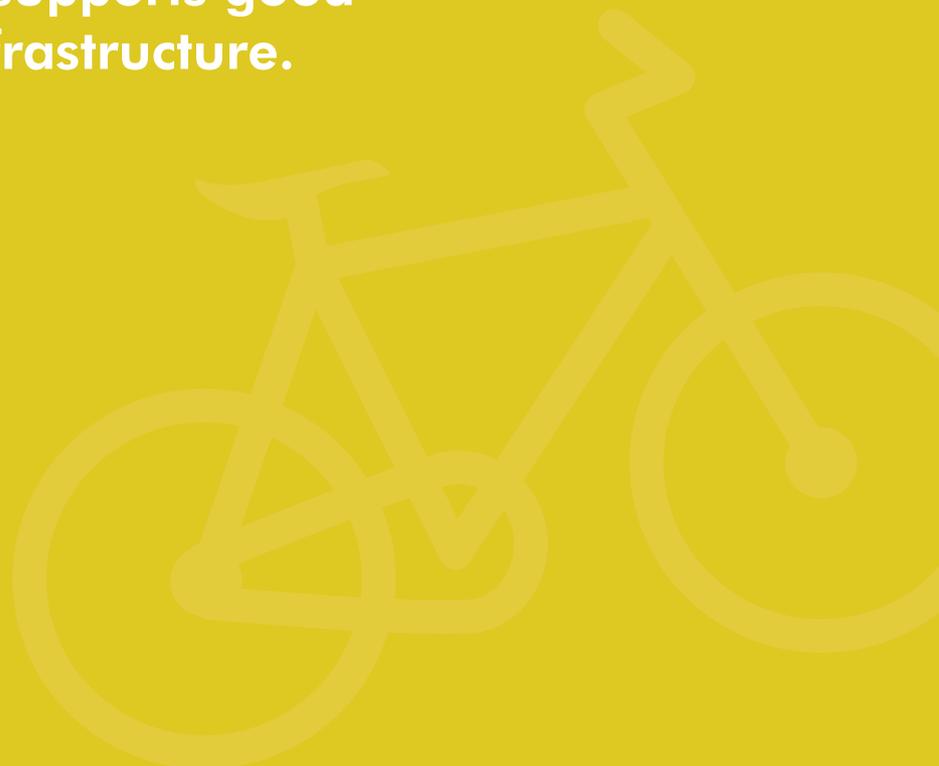




# Sustainable Development



This suite of Sustainable Development policies sets out the presumption in favour of sustainable development, protects amenity, ensures good access and transport provision, considers the use of resources such as land and materials and supports good communications infrastructure.





# Sustainable Development

## Policy SD1 - Sustainable Development

This policy sets out the approach the Council will take, working with developers and other partners, to achieve both positive planning and the presumption in favour of sustainable development.

The preferred policy reads

### Policy SD1 - Sustainable Development

1. When considering development proposals, the Council will take a positive and creative approach using the full range of planning tools available and reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to secure development that improves the economic, social and environmental conditions in the Plan Area.
2. Planning applications for sustainable development that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay where possible, unless material considerations indicate otherwise.
3. Where there are no Local or Neighbourhood Plan policies relevant to the application or the most important policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - or
  - a. any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole.
  - b. specific policies in that Framework, such as those protecting areas or assets of particular importance provide a clear reason for refusing the development proposed.
4. To improve the efficiency and effectiveness of the planning application system for all parties, prospective applicants are encouraged to engage with the Council prior to submitting a planning application and take advantage of its pre-application advice service. Prospective applicants are also encouraged to engage with the local community, and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

### Justification

Richmondshire in 2039 is envisaged as a place where people value, understand, enjoy, respect and have pride in their environment, and where needs are met whilst sustaining and enhancing the natural as well as our built and historic environment. Underpinning this is the stated intention to achieve sustainable development by ensuring that our actions balance and integrate the social, economic and environmental components of our communities and meet the needs of today without compromising the ability of future generations to meet theirs.



All policies within the Local Plan guide how, as set out in the NPPF, the presumption in favour of sustainable development is to be applied locally and so therefore the proposed Local Plan and its Preferred Policies should be read as a whole.

## What you have told us?

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is described as having three mutually dependent dimensions: the economy, society and the environment.

The NPPF advises that planning authorities should have a policy framework based on the 'presumption in favour of sustainable development' and expects a clear policy on decision making in the Local Plan to reflect that presumption (paragraph 11).

Furthermore, the NPPF (paragraph 8) states that:

'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) -

- 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 support 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 prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Chapter four of the NPPF also sets out the approach Local Planning Authorities should take to the making decisions on applications for proposed development. Paragraph 38 states that decisions should be made in a positive and creative way and decision-makers at every level should seek to approve applications for sustainable development where possible. This chapter also provides further detail on the approach to be taken regarding pre-application engagement and front-loading, determining applications, planning conditions, controls and enforcement.

### Issues and Options Consultation

No representations were made which specifically relate to this preferred policy.

### Alternatives Considered



### No policy on Sustainable Development

An alternative option would be to have no Local Plan policy on Sustainable Development. This is not considered an appropriate option and that the preferred policy underpins the intention of the Plan to achieve sustainable development. Furthermore, the NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development, and so having a robust policy affirms this aim and sets out how sustainable development will be achieved in the District. For these reasons, this option has been discounted.



#### **QUESTIONS**

**Do you agree to preferred policy SD1 - Sustainable Development?**

**If not, do you agree with the general approach to policy SD1 but have any suggested changes?**

**Please provide any further comments.**



## Policy SD2 - Amenity

This preferred policy sets out the Council's approach to considering the impact of proposed development on the amenity of the current and future population.

The preferred policy reads

### Policy SD2 - Amenity

Development will be supported where

1. There will be no significant adverse impact (including cumulative) on the residential amenity and living conditions of existing and future residents, including both users of the proposed development and existing occupiers and users of neighbouring land.
2. The design, orientation, scale and location does not have a significant overbearing impact and would not result in overlooking or loss of privacy, as well as ensuring adequate availability of daylight and sunlight, and would not result in significant overheating or overshadowing and/or increased reliance on artificial lighting.
3. It does not generate noise, odour, disturbance, light, air or other pollution (including cumulative) which will give rise to significant adverse impacts on the health and quality of life of future and existing neighbouring residents. Consideration should be given to the appropriateness of the proposed land use in that location, impacts of construction traffic, subsequent traffic movements, dust, vibrations and the proposed hours of operation.
4. There would be no unacceptable impact on the safety of the population and that appropriate mitigation measures are incorporated into the layout and design as necessary.
5. It improves the local amenity and vitality of the area and is designed to reduce crime, social inequalities and disadvantages within the community. In achieving this, new residential development should incorporate well-designed and located private and/or communal outdoor amenity space which is of an adequate size for the likely occupancy of the proposed dwellings.
6. It ensures that the use(s) proposed can be integrated effectively with existing businesses and community facilities and that these businesses and facilities will not have unreasonable restrictions placed upon them as a result of development permitted after their establishment. Where the operation of an existing business or facility could have a significant adverse effect on new development in the vicinity the 'agent of change' will be required to provide suitable and appropriate mitigation before the development is completed.



## Justification

Protecting the amenity and wellbeing of communities is of key importance, ensuring residents and businesses are not adversely affected by development.

Amenity, for the purposes of this preferred policy, is defined as 'the pleasant or attractive or positive aspects of a location that contribute to the overall character and enjoyment of an area for residents and/or visitors'. Development proposals which would affect amenity and create, for example, noise, odour or air pollution or loss of light require careful consideration and siting to ensure impacts are minimised and appropriate measures mitigate any potential negative impact that the proposed location does not resolve. Equally, the siting and design of more sensitive uses, including residential development, requires careful consideration to ensure that problems are not unnecessarily created. Development should consider not only the individual impacts but also cumulative impacts. Applicants are encouraged to make early contact with neighbours at the pre-application stage to identify and seek to address or mitigate any amenity concerns raised.

New development can also act as an agent of change within its locality and should ensure that it can integrate effectively with existing uses by providing suitable mitigation prior to development been completed. For example, the operation of existing businesses or community facilities (such as places of worship, pubs, music venues and sports clubs) could have a significant adverse effect on new development (agent of change) in its vicinity. As a result the existing business or facility should not have unreasonable restrictions placed on it.

The provision of private amenity space as part of residential developments will be expected, to allow individuals to carry out household and leisure activities. The size and form of such amenity space will be dependent on the type of housing. In cases where it may not be feasible to provide private garden space, for example on some flat/apartment developments or specialist housing schemes, private communal amenity spaces would be acceptable.

This preferred policy seeks to ensure that amenity is protected and sets out general standards to which developments should consider and abide by. Other Local Plan policies and supporting documents also contribute towards the protection of amenity by setting out the approach to more specific cases and issues.



## What you have told us?

### National Planning Policy Framework

The NPPF states that planning policies and decisions should ensure developments '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).

Furthermore, paragraph 180 states '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.'

### Issues and Options Consultation

No representations were made which specifically relate to this preferred policy.

### Alternatives Considered

#### No policy on Amenity

An alternative option would be to have no Local Plan policy on Amenity. This is not considered an appropriate option and that the preferred policy aims to ensure that amenity is protected and that development is respectful of that having been taken into account at the early stages of its evolution. The NPPF outlines that developments should 'promote high standards of amenity for existing and future users' and so having a robust policy is consistent with national policy and standards. For these reasons, this option has been discounted.



#### QUESTIONS

**Do you agree to preferred policy SD2 - Amenity?**

**If not, do you agree with the general approach to policy SD2 but have any suggested changes?**

**Please provide any further comments.**



## Policy SD3 - Access

This preferred policy seeks to ensure that new development can be adequately and appropriately accessed, minimising the need to travel and actively encouraging and adopting more sustainable forms of travel.

The preferred policy reads

### Policy SD3 - Access

1. Development and the provision of services should, as far as possible, be located so as to minimise the need to travel. Convenient access via foot, cycle and public transport should exist, or be provided as the first priority, encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to all.
2. Consideration should be given to the location of development, to ensure it is located where the highway network can satisfactorily accommodate the traffic generated from development. Development of transport infrastructure that would significantly harm the natural or built environment, or any development that would generate a severe impact on the road network or an unacceptable impact on highway safety, without appropriate mitigation including net environmental gains, will not be permitted.
3. The Council will work with other authorities such as the Local Highways authority, Highways England and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all.
4. Support will be given for sustainable development which
  - a. Provides safe and suitable access to, from and in the vicinity of the site which gives first priority to the pedestrian and cyclist, addresses the needs of people with disabilities and reduced mobility and minimises the scope for conflict between pedestrians, cyclists and road users.
  - b. Minimises the need to travel and promotes sustainable modes of travel including on foot and by bicycle which includes establishing links to and enhancing existing foot and cycle path networks and access to neighbouring areas and employment and service areas.
  - c. Promotes the provision, frequency, accessibility, quality and use of public transport and maximises the catchment for public transport services through the layout of the development and incorporation of appropriate facilities such as bus shelters.
  - d. Incorporates the required provision of safe, secure and appropriately designed vehicle and bicycle parking or storage necessary for bicycles, motor cycles and, where relevant, coaches and lorries set out at that time by the Local Highways authority.
  - e. Encourages and enables the use of low emission vehicles by incorporating the provision of electric charging points in convenient, accessible and safe locations within commercial developments. In residential development every new dwelling should have safe and convenient access to an electric charging point.



- f. Improves existing road and rail connections.
  - g. Reduces traffic congestion, emissions and takes opportunities to improve or mitigate impacts on air quality and public health such as through traffic and travel management or the provision and enhancement of green infrastructure.
  - h. Improves accessibility to rural areas.
  - i. Incorporates safe and efficient vehicular access for servicing arrangements, the delivery of goods and the emergency services.
  - j. Retains and enhances existing rights of way, protecting their recreational and amenity value.
  - k. Establishes new links to existing public rights of way and/or provides satisfactory diverted routes, where required, which are of the same recreational and amenity value as the route being diverted.
  - l. Creates attractive places by minimising street clutter and responding to local character and Design Quality set out in Policy D1.
5. Development proposals for overnight lorry parking facilities at appropriate locations, including further provision at existing lorry parks and at suitable locations well related to the Strategic Road Network, will be supported where additional need is identified and this, in turn, reduces parking at locations which lack proper facilities, are less secure or where it could cause a nuisance. Proposals for new or expanded Distribution Centres should make adequate provision for lorry parking associated with their use.
  6. Where developments will generate significant amount of transport movements a Travel Plan and Transport Assessment or Transport Statement will be required. Development Proposals should accord with the standards and requirements set out by the Local Highways Authority.

## Justification

The aim of this policy is to ensure development is designed and sustainably located in a manner which minimises as much as possible the need to travel and, where travel is necessary, that it seeks to prioritise more sustainable modes of travel such as walking, cycling and public transport. The purpose of this is to ensure that traffic congestion and emissions are minimised which in turn enables air quality and public health to be improved.

This preferred policy also seeks to ensure that adequate infrastructure is in place to accommodate the additional traffic generated to avoid severe impact on the road network or impact on highway safety and to enable people to access the development and neighbouring areas by foot and cycle in a safe and convenient manner through the provision and enhancement of existing foot and cycle networks. Where additional transport infrastructure is required this should seek to provide net environmental gains.

In preparation for the Government's proposed phasing out of petrol, diesel and hybrid vehicles in 2035 as part of its 2050 zero carbon ambition this preferred policy will seek to encourage and enable the use of low emission vehicles by seeking the adequate provision of electric charging points in all new developments.



The Richmondshire Plan Area contains significant stretches of the Strategic Road Network (SRN) with the A1 (M) the key north/south route in Northern England running through the eastern part with junctions at Barton, Scotch Corner and Catterick Central. The A66 runs through the north western part of the Plan Area and is a key east/west corridor in Northern England carrying high levels of freight traffic, accounting for 25% heavy goods vehicles (HGVs) compared to the national average figure of 12% with goods being distributed between North East and North West England and Scotland. Scotch Corner is a key interchange between the A66 and A1 (M). In light of these local circumstances this preferred policy, in accordance with paragraph 107 of the NPPF, seeks to support and encourage the provision of adequate overnight lorry parking facilities in appropriate locations well related to the SRN where a need has been identified. This reduces the risk of parking in less secure locations lacking facilities and could cause a nuisance.

## What you have told us?

### National Planning Policy Framework

NPPF states that planning policies and decisions should 'recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable' by improving access by foot, bicycle or public transport. The use of previously developed land and sites physically well-related to existing settlements should be encouraged where these suitable opportunities exist (paragraph 84).

In terms of public rights of way, the NPPF states that 'policies and decisions should protect and enhance public rights of way' and take opportunities to provide better facilities for their users by, for example, linking existing route networks together (paragraph 98).

NPPF states that transport issues should be considered at the earliest stages of plan-making and development proposals to ensure that any potential impacts on the transport networks can be addressed, opportunities for existing or proposed transport infrastructure and technology are realised, opportunities for promoting more sustainable forms of travel are pursued, any environmental impacts are identified and taken into account, and patterns of movement, streets, parking, etc. are integrated into the overall design of schemes thus contributing to creating high quality places (paragraph 102).

Paragraph 104 states that planning policies should support an 'appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities'. As well as this, planning policies should provide high quality walking and cycling networks and support facilities such as cycle parking.

A new addition to the NPPF states that planning policies and decisions should make provision for overnight parking facilities and take into account any local shortages to reduce risk of parking in locations which lack required facilities or where it would cause a nuisance (paragraph 107).

When considering development proposals and sites which are to be allocated for development within the plan the following should be considered

- Whether appropriate opportunities to promote sustainable transport modes have been or could be taken up given the type of development and proposed location
- Whether safe and suitable access to the site can be achieved for all users
- Whether any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree (paragraph 108).



Paragraph 109 clearly states 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'.

Furthermore, applications for development should

- '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
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport
- 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
- allow for the efficient delivery of goods, and access by service and emergency vehicles
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations' (paragraph 110).

Finally, Paragraph 111 states that a Travel Plan is required for all development which would generate significant amounts of traffic and that the application should be supported 'by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'

## Evidence Base

### Catterick Garrison Strategic Transport Assessment (STA) (2020)

A Strategic Transport Assessment has been undertaken for Catterick Garrison which forms part of the evidence base to this Preferred Options Local Plan. This identifies a number of junctions where some further improvement works will need to be undertaken to accommodate the additional traffic that will be generated by the development anticipated in the Preferred Options Local Plan. Developments in this area will be expected to contribute towards these improvements with further information set out in the Infrastructure Delivery Plan within Policy I2.

## Issues and Options Consultation

No representations were made which specifically relate to the preferred policy.



## Alternatives Considered

### No policy on Access

An alternative option would be to have no Local Plan policy on Access. This is not considered an appropriate option and that the preferred policy ensures development proposals are designed and sustainably located to minimise as much as possible the need to travel and, where travel is necessary, seek to prioritise more sustainable modes of travel. The inclusion of this preferred policy ensures consistency with national policy. For these reasons, this option has been discounted.

### A policy which prioritises sustainable forms of transport

An alternative option would be to have a policy which only prioritised sustainable forms of transport. This option would ensure transport is only by sustainable means and as a result would reduce carbon emissions. However, in some cases, more sustainable forms of transport may not be accessible to all users or even possible in the most rural parts of the Plan Area. It is considered that, unlike this option, the preferred policy prioritises sustainable modes of transport as well as ensures that capacity is maintained on the road network for those who are unable to use or access sustainable forms of transport. For these reasons, this option has been discounted.

### A policy which prioritises road transport

Another alternative option would be to have a policy which prioritised road transport over more sustainable modes of transport. This option is not considered appropriate with increasing road based transport resulting in increased emissions which, in turn, has negative impacts on the health of the population. It is considered that, unlike this option, the preferred policy prioritises sustainable modes of transport but also allows for the road network capacity to be maintained for those who are unable to use or access more sustainable forms of transport. For these reasons, this option has been discounted.



## QUESTIONS

**Do you agree to preferred policy SD3 - Access?**

**If not, do you agree with the general approach to policy SD3 but have any suggested changes?**

**Please provide any further comments.**



## Policy SD4 - Use of Land and Materials

This preferred policy sets out the Council's approach towards the use of land and building materials and consideration of its suitability for development.

The preferred policy reads

### Policy SD4 - Use of Land and Materials

1. Development will be expected to
  - a. Utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of importance for biodiversity, in preference to greenfield sites.
  - b. Make efficient use of land and optimal use of the potential of the site by avoiding development being built at low densities taking account of the availability of land, desirability to maintain an area's character and setting, the area's capacity for change, and ability to achieve well-designed and healthy places. Development proposals which are not considered to make an efficient use of land or achieve an appropriate density will be refused.
  - c. Create multiple benefits from the use of land by seeking to achieve net environmental gains such as habitat creation or improved access to the countryside or through developments with a sustainable and complementary mix of uses.
  - d. Recognise that some undeveloped land may need to be retained for other functions including wildlife areas/corridors, recreation, flood and carbon storage and mitigation, food production and climate change mitigation.
  - e. Ensure that a site is suitable and safe for its proposed use and provide an appropriate risk assessment, site investigation information and remediation strategy that addresses any issues of land contamination or land instability arising from past uses, activities, natural hazards and any past remediation. If remediation is required, as a minimum land should no longer meet the criteria of contaminated land within Part IIA of the Environmental Protection Act 1990.
  - f. Give consideration to the extraction of mineral resource where practical and environmentally feasible prior to development where relevant non-mineral development is proposed within Mineral Safeguarding Areas defined by the mineral planning authority (North Yorkshire County Council).
  - g. Re-use or adapt existing buildings where they are visually attractive and in keeping with the character of their surroundings. Where this is not practicable or is shown to be a less sustainable solution, proposals should seek to re-use existing materials, where possible.



- h. Source materials locally and utilise local supply chains. The use of locally reclaimed materials and the re-use of more sustainable building materials will be supported, where appropriate, and where this does not harm the character and appearance of historic and environmental assets.
- i. Conserve scarce resources, reduce their use and re-use where possible and demonstrate how it has minimised waste production in accordance with the sequence of priorities set out in the waste hierarchy -
  - i. Eliminate waste, then
  - ii. Reuse waste materials, then
  - iii. Recycle/compost waste materials, then
  - iv. Recover energy, then disposal

## Justification

The appropriate, effective and efficient use of land is a key objective of the Local Plan and the NPPF, ensuring that development doesn't take place on land of importance for other uses, making use of previously developed land in the first instance where possible and that when land is developed its use is maximised, reflecting its particular location and context. It is also essential that it has been determined that the land is safe and suitable to accommodate the type of development proposed in relation to land contamination and land instability.

Similarly to land, building materials are considered to be an important and scarce resource and so it is essential that these materials are re-used where possible, whether this be through the re-use of existing buildings or the materials they are constructed with. Where new materials are required these should be sourced sustainably and locally where possible to support local supply chains and the local economy and also retain and preserve distinctive local character.

Minerals are also a scarce resource and there are areas within the Plan Area where they remain. Any non-mineral development on areas within the mineral safeguarding area identified by North Yorkshire County Council, the Minerals Planning Authority for the Plan Area should seek to extract these prior to development where practical and environmentally feasible.



## What you have told us?

### National Planning Policy Framework

The NPPF states 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land (paragraph 117).

Furthermore, paragraph 122 states '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 123 part c of the NPPF states that 'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

Paragraph 178 of the NPPF states that '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 179 of the NPPF outlines 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.'

The NPPF defines 'Previously developed land/Brownfield land' as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures, land in built-up areas such as residential gardens, parks, recreation grounds and allotments, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape' (page 70).



## Issues and Options Consultation

No representations were made which specifically relate to this preferred policy.

### Alternatives Considered

#### No policy on Use of Land and Materials

An alternative option would be to have no Local Plan policy on the Use of Land and Materials. This is not considered an appropriate option and that the proposed policy ensures that development doesn't take place on land of importance for other uses, making use of previously developed land in the first instance where possible, and that when land is developed that its use is maximised, reflecting its particular location and context. This preferred policy ensures consistency with national policy. For these reasons, this option has been discounted.



### QUESTIONS

**Do you agree to preferred policy SD4 - Use of Land and Materials?  
If not, do you agree with the general approach to policy SD4 but  
have any suggested changes?  
Please provide any further comments.**



# Policy SD5 - Supporting High Quality Electronic Communications

This preferred policy sets out the Council's approach towards the consideration of proposals for communications infrastructure.

The preferred policy reads

## Policy SD5 - Supporting High Quality Electronic Communications

1. Proposals to expand and enhance the existing electronic communication networks including next generation mobile technology and full fibre to the premises broadband connections will be supported. This will be achieved by

### **Broadband in new developments**

- a. Requiring all new employment and housing development to enable Fibre to the Premises (FTTP) broadband infrastructure capable of Next Generation Access speeds. Where it can be demonstrated that the provision of FTTP is not viable, proposals should
  - i. Provide a download connection that meets the minimum ambitions of the Digital Communications Infrastructure Strategy and the European Digital Agenda (currently 30 Mbps)
  - ii. Seek to incorporate suitable delivery of FTTP broadband at a future date, for example by laying ducting capable of carrying fibre cables from multiple providers.
- b. Proposals particularly located in existing Town and Local Centres should explore opportunities to create or expand existing public wireless broadband networks which enhance their vitality and viability for residents, visitors and businesses.

### **Radio and Electronic communications**

- c. Requiring new communications installation proposals (including those submitted for prior approval) to demonstrate all of the following criteria
  - i. All options for sharing existing masts, buildings and other structures in the locality have been fully explored and discounted.
  - ii. There is no significant adverse impact on the character or external appearance of the building on which, or the surrounding area and wider landscape setting in which, the equipment is located, including not contributing to street or landscape clutter.
  - iii. The proposal is sympathetically designed, minimising size and scale and camouflaged where appropriate.
  - iv. The significance, appearance, character and setting of heritage assets, conservation areas and designated landscapes are conserved.
  - v. There is no significant adverse impact upon biodiversity, ecology, geodiversity or best and most versatile agricultural land.



- vi. The proposal does not have significant adverse impact upon the satisfactory functioning of the highway caused by the siting, scale and design of the installation.
  - vii. There is no adverse impact upon residential amenity, complies with relevant health and safety guidelines and is self-certified to not exceed International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards when operational.
  - viii. It is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.
  - ix. The possibility of new buildings or other structures being constructed has been considered which would interfere with broadcast and electric communication services.
2. Where communication infrastructure has become redundant or disused, the apparatus should be removed from the site and the land restored to its previous condition or landscaped to maintain and enhance visual and landscape amenity.

## Justification

The growth of advanced, high quality and reliable electronic communications infrastructure is key in creating sustainable communities, particularly given the rural nature of the Plan Area. The provision of such infrastructure is clearly recognised and promoted in national policy as well as government driven incentives.

Access to broadband is a particularly vital component of infrastructure in today's world. It is key to growing a sustainable local economy, important for education and home working and is an increasingly essential form of infrastructure in maintaining the sustainability and viability of rural communities. Broadband connectivity across the Plan Area is variable and the Digital Communications Infrastructure Strategy initial target was to ensure that by 2017 superfast coverage reached 95% of premises in the UK. The current stated strategy ambition is that ultrafast broadband of at least 100Mbps should become available to nearly all UK premises. The definition of Next Generation Access used within this policy is a broadband service that provides a download speed in excess of 30 Mbps and with the capability to meet future targets of speeds in excess of 100mpbs.

This preferred policy will seek to ensure that new development provides future occupiers with access to the fastest speed broadband that can be viably provided and ensure that essential infrastructure to accommodate this is provided at the construction phase of developments.

There is likely to be a need for new electronic and telecommunications infrastructure to accommodate next generation mobile technology such as 5G as it becomes available within the Plan Area and this preferred policy seeks to ensure that new infrastructure makes use of existing sites and structures, wherever possible and not have a significant adverse impact upon the Plan Area or its residents.



## What you have told us?

### National Planning Policy Framework

Chapter 10 of the NPPF gives support to high quality communications, emphasising that advanced, high quality and reliable communications infrastructure is essential for both economic growth and social well-being and that planning policies and decisions 'should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections' (paragraph 112).

Furthermore, the NPPF specifies particular criteria for such development, including that the 'use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged' and, where new sites are required, 'equipment should be sympathetically designed and camouflaged where appropriate' (paragraph 113). The NPPF (paragraph 116) also makes clear that LPA's must determine application on planning grounds only and should not seek to prevent competition between different operators, question the need for an electronic communication system or set health safeguards different from the ICNIRP standards for public exposure.

### Issues and Options Consultation

No representations were made which specifically relate to this preferred policy.

### Alternatives Considered

#### No policy on Supporting High Quality Electronic Communications

An alternative option would be to have no Local Plan policy on Supporting High Quality Electronic Communications. This is not considered an appropriate option and that the preferred policy not only supports the expansion of such essential infrastructure but sets out clear standards and criteria for which proposals for this type of development should consider. This is to ensure that there is no significant adverse impacts caused as a result of the development. The preferred policy ensures consistency with national policy and so, for these reasons, this option has been discounted.



#### QUESTIONS

**Do you agree to preferred policy SD5 - Supporting High Quality Electronic Communications?**

**If not, do you agree with the general approach to policy SD5 but have any suggested changes?**

**Please provide any further comments.**