



WNDC Board Report

Report by Director of Planning Services

Paper Reference: 2010-05-07-02

Agenda Item: 7

6 July 2010

Subject: The West Northamptonshire Sustainability Manual

Advice: That the Board

1. **Approve** the Sustainability Manual for the purposes of development control.
2. **Delegate** to the Director of Planning Services the finalisation and publication of the West Northamptonshire Sustainability Manual for development control purposes.

Summary:

The Corporation is committed to the preparation and production of advice and guidance in compiling sustainability strategies. A draft Manual has been developed through a rigorous formulation and consultation process.

The completed Manual is now presented to Board for approval for use in making decisions on planning applications. Discussions are on-going with local authority partners to allow them to take the Manual forward formally for their own development control purposes.

1. Introduction and Background

1.1 WNDC has committed to the development of sustainability advice and guidance (Planning Principles 2009). An assessment of the formulation of the Sustainability Manual, including a summary of the components of the Manual is set out within the Briefing Paper attached to this Report as Appendix 1.

1.2 The Manual has been developed to reflect government guidance in the preparation of Supplementary Planning Documents. The document will carry similar weight to that of Supplementary Planning Documents on applications. The Manual reflects the Government's wider agenda toward sustainable development.

2. The Consultation and Revision Process

2.1 Extensive consultation and engagement was undertaken from October 2009 to January 2010. This was followed by a further round of consultation and engagement in June 2010 with previous respondents and local planning authorities. A summary of the consultation responses and subsequent revisions/ amendments to the document are included within the attached Briefing Paper.

2.2 The Board will also recall the paper presented last month which requested Members consider the components of the Manual. Following the Board meeting no further comments have been received.

2.3 The Manual seeks to provide an innovative flexible framework, which balances the establishment of legacy standards with the the necessary flexibility that both public and private sectors require.

2.4 Full copies of both the consultation draft and draft final West Northamptonshire Sustainability Manual are available from the WNDC website.

3. Finalisation of the Manual

3.1 As part of securing an innovative carbon off-setting mechanism, it is intended that this mechanism will be developed further and integrated within the Planning Obligations Strategy. This mechanism will be subject to a separate report to Board.

3.2 Following Board approval, it is intended to finalise, format and publish the Manual.

3.3 Discussions continue with partnering local authorities to investigate the feasibility and practicality of taking forward the Manual for use within their own development control processes.

4. Conclusion

4.1 The Corporation has fulfilled its commitment to produce sustainability advice and guidance. The Manual has been developed through an extensive consultation exercise. The Manual provides for innovation and flexibility in application to reflect both public and private sectors requirements.

5. Appendix

Appendix A: West Northamptonshire Sustainability Manual : Briefing Paper

Paper Reference 2010-05-07-02a Appendix A



WEST NORTHAMPTONSHIRE: SUSTAINABILITY MANUAL
Briefing Paper: Finalised Draft

June 2010

1. Introduction

- 1.1 WNDP has committed to the development of sustainability advice and guidance (Planning Principles 2009). Experience in the formulation, consideration and approval of sustainability strategies for all types of development has highlighted a lack of common understanding of sustainable requirements and this has led to significant time and resourcing issues for both the planning authority and the developer. Given the number and range of differing types of applications within West Northamptonshire, WNDP has therefore undertaken to prepare a Manual to provide clarity to all parties involved in the development process and assist in the expeditious delivery of sustainable development across its area.
- 1.2 Full copies of both the consultation draft and draft final West Northamptonshire Sustainability Manual are available from WNDP website.

2. Background and Contents of the Manual

- 2.1 The Manual seeks to provide a legacy setting framework to guide considerations on policy issues and technology options directed towards securing highly sustainable forms of development. It provides clarity to all those involved in the development process through setting a clear framework against which the components of planning applications will be assessed.
- 2.2 The Manual comprises five documents. Both the Sustainable Development Policy Guide and the Sustainability Manual Technology Review have been prepared and amended (as necessary) as a result of policy changes and consultation feedback by AECOM WNDP's specialist sustainability consultants. These are accompanied by two summary documents that act as quick reference guides, highlighting the key points in plain easy to understand language.
- 2.3 **The Policy Guide** provides the national, regional and local sustainability policy context. This acts as a transparent and unbiased policy reference tool for those involved in the development process. This also reviews policies against different

categories of sustainability and is closely aligned to the Code for Sustainable Homes to provide synergy with the Framework Document.

- 2.4 **The Technology Review** underpins the Framework Document and has two key components. This identifies the recognised benchmarking methods for the Code for Sustainable Homes and BREEAM. In addition, a range of technology options are explored for the different types and scales of development that WNDC have or are likely to consider.
- 2.5 **The Sustainability Framework Document** is the main tool that will be used in the development control process. The Document sets out the information to be submitted with applications that is necessary to demonstrate adherence to regional policy and aspirational national legacy standards. The document is innovative and provides for flexibility in its application, it recognises that developers in the current market may face viability concerns or that other site specific issues may make compliance to policy or legacy standards difficult. In these circumstances, developers are encouraged to submit justification to allow WNDC to fully consider and approve their rationale.
- 2.6 The approach followed in the preparation and consultation of the Sustainability Manual reflected advice and procedures relating to the preparation of Supplementary Planning Documents (SPD) as set out in Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004. Whilst, as a consequence of the limitations set within WNDC's statutory function, the Sustainability Manual cannot become formal SPD, given advice in paragraph 6.3 of PPS 12 regarding the ability of bodies other than Local Planning Authorities to prepare documents of comparable weight to SPD, the approach followed and documentation produced should allow the Manual to carry comparable weight to that of a SPD.
- 2.7 The documentation associated with formulation of the Manual in accordance with the Regulations is attached as Appendix A to this Briefing Paper.

3. The Consultation Process

- 3.1 In October 2009, WNDC issued a pre-consultation letter to a number of consultees, including Local Planning Authorities, Statutory Agencies and Developers. regarding the general scope and format of the proposed Sustainability Manual. Few comments were received to the notification and those made generally confirmed that the scope of the Manual was appropriate.
- 3.2 Accordingly, formal public consultation commenced on 2nd November 2009 ending on 22nd January 2010. The list of organisations consulted are set out within the attached Consultation Statement. Those consulted were individually notified of the consultation by email and encouraged to review the documents on the WNDC website. In addition, a formal press notice was prepared and published in local newspapers covering Northampton, Daventry and Towcester. Notice of the consultation was also placed on the WNDC web-site.
- 3.3 The final draft Manual was presented to the WNDC Board on 25th May 2010 as part of a pre-notification process, prior to the final document being presented to Board for formal approval. Respondents who contributed to the previous consultation exercise were also contacted and a notice of the final consultation was also again placed on the WNDC web-site. This approach was intended to allow Board members, previous respondents and members of the business/public communities a further opportunity to comment on the changes made to the documents prior to the Manual being presented to the Board for approval.

4. Review of the Consultation Responses

- 4.1 A summary table of the consultation responses and the subsequent revisions identified through the process is set out within the attached Consultation Statement at Appendix A. In total 25 respondents commented as part of the formal consultation exercises. These responses included comments from Developers, District and Parish Councils and Statutory and non-Statutory Agencies.
- 4.2 In addition to the main issues raised, the consultation responses identified some minor revisions which comprised typographical errors or inaccurate references

which had not been picked up through the initial proof reading process. Of those main issues raised, these can be summarised as:

- That the standards to be applied against the Code for Sustainable Homes and BREEAM should not exceed national requirements;
- That the Manual needs to be applied flexibly and with pragmatism to reflect viability issues and/or prioritised alongside delivery of other planning benefits;
- There is a need to reference and focus on the approach to energy advocated by the Zero Carbon Hub and recent Central Government Publications;
- The Draft Sustainability Framework Document fails to recognise the contribution that other factors (beyond renewable/low carbon energy sources) can make to reductions in carbon emissions and sustainability;
- It is questionable whether the 10% requirement in East Midlands Regional Policy is an actual policy, as this does not sit within the policy text nor was the figure tested through examination during the course of the Inquiry; and
- There are no local circumstances to justify the approach in the Sustainability Matrix, this approach is contrary to Planning Policy Statement 1 as such matters should be set at the level of a Development Plan Document not a SPD.

5. Revisions to the Manual

5.1 As part of the review of the consultation responses received and the comments raised in the Board workshop, in addition to an internal assessment, legal advice was sought to clarify the extent and legality of the approaches and mechanisms to be adopted within the Manual. These reviews concluded that whilst a limited number of responses were received and these in the main resulted in minor amendments to the Manuals Policy Guide and Technology Review, significant revision to the Framework Document was required to ensure that it was reflective of the needs of both the public and private sectors and that it was capable of withstanding legal challenge.

5.2 In order to undertake a comparative review of those changes made, copies of the consultative Draft Framework Document and Final Draft Framework Document are available on the Corporation's website. In summary, the main changes made to the draft Manual to reflect comments and advice received, include:

- Re-focussing the document to provide a legacy-setting framework that reflects emerging policy and standards;
- Providing enhanced and clearer linkages with other WNDC delivery documents and the zero carbon hierarchy;
- Replacing target levels/standards with a more flexible market facing framework that requires developers/applicants to provide, in appropriate circumstances, clear evidence demonstrating why legacy-setting standards cannot be achieved;
- Enabling the examination of a wider set of criteria in establishing compliance with Policy 2 of the East Midlands Regional Plan; and
- Promoting a flexible approach to achieving legacy standards through a combination of deliverable on-site and off-site (allowable solution) mechanisms.

6. Finalisation of the Manual

6.1 As part of securing the innovative carbon off-setting mechanisms outlined above, it is intended that the mechanics of this approach to deliver legacy standards will be developed further and integrated within the current review of the Planning Obligations Strategy currently underway. These mechanisms will be subject to a separate report to Board in due course.

6.2 Subject to Board approval, it is intended to finalised the documents forward and publish the Manual. It is proposed that the document will be publically launched at a stakeholder event in September 2010.

APPENDIX A



WNDC Sustainability Manual: Consultation Statement

June 2010

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CONSULTATION STATEMENT

1.0 Introduction

- 1.1 Regulation 17 of The Town and Country Planning (Local Development) (England) Regulations 2004 requires that bodies preparing Supplementary Planning Documents (SPD) should prepare a statement setting out the process of consultation in respect of the preparation of the Document. Whilst, in this case, the Sustainability Manual cannot be formal SPD, given the advice in paragraph 6.3 of PPS12 regarding the ability of bodies other than Local Planning Authorities to prepare documents of comparable weight to SPD, this Statement has been prepared in general conformity with the requirements of Regulation 17 to demonstrate the process of consultation in relation to the Manual.

2.0 Consultation Process

- 2.1 In October 2009, WNDC issued a pre-consultation letter to a number of consultees including Local Planning Authorities, Statutory Agencies and Developers regarding the general scope and format of the proposed Sustainability Manual. Few comments were received to the notification and those made generally confirmed that the scope of the Manual was appropriate.
- 2.2 Accordingly, formal public consultation commenced on 2nd November 2009 to 22nd January 2010. The list of organisations individually notified of the consultation by email and encouraged to review the documents on the WNDC website are as set out within this Statement. In addition, a formal press notice was prepared and published in local newspapers covering Northampton, Daventry and Towcester. Notice of the consultation was also placed on the WNDC web-site.
- 2.3 The final draft Manual was presented to the WNDC Board on 25th May 2010 as part of a pre-notification process, prior to the final document being presented to Board for formal approval. Respondents who contributed to the previous consultation exercise were also contacted and a notice of the final consultation was also again placed on the WNDC web-site. This approach was intended to allow Board members, previous respondents and members of the business/ public communities a further opportunity to comment on the changes made to the documents prior to the Manual being presented to the Board for approval.

2.4 In total, comments on the draft Sustainability Manual through the formal consultation exercises were received from 25 respondents, including Developers, District and Parish Council's and Statutory and non-Statutory Agencies. Main comments / issues were:

- That the standards to be applied against the Code for Sustainable Homes and BREEAM should not exceed national requirements;
- That the Manual needs to be applied flexibly and with pragmatism to reflect viability issues and/or prioritised alongside delivery of other planning benefits;
- The need to reference and focus on the approach to energy advocated by the Zero Carbon Hub and recent Central Government Publications;
- Draft Sustainability Framework Document fails to recognise the contribution that other factors (beyond renewable/low carbon energy sources) can make to reductions in carbon emissions and sustainability;
- Question whether 10% requirement in EMRP is 'Policy' , was it tested by the Inspector and can it be applied through SPD; and
- There are no local circumstances to justify the approach in the Sustainability Matrix, contrary to PPS1 that such matters should be DPD not effective SPD

2.5 The comments, and WNDC's responses to them, have been summarised in a 'Schedule of Responses to Consultation'. A copy of the Schedule is attached to this Statement.

2.6 A number of changes have been made to the draft Manual as a result of the comments received, including:

- Re-focussing the document to provide a legacy-setting framework that supports emerging policy and standards;
- Providing enhanced and clearer linkages with other WNDC delivery documents and the zero carbon hierarchy;
- Replacing target levels/standards with a more flexible framework that requires developers/applicants to provide, in appropriate circumstances, clear evidence demonstrating why legacy-setting standards cannot be achieved;
- Enabling the examination of a wider set of criteria in establishing compliance with Policy 2 of the East Midlands Regional Plan; and
- A flexible approach to achieving legacy standards through a combination of deliverable on-site and off-site (allowable solution) mechanisms.

3.0 Finalisation and Publication

- 3.1 Following the consultation and amendment process the finalised West Northamptonshire Sustainability Manual was presented to the Board of WNDC on 6th July 2010. This was approved for development control purposes and the document taken forward, formatted and published on XXX.

WNDC SUSTAINABILITY MANUAL

SAMPLE CONSULTATION LETTER



Our Ref: SM
Contact: Jake Collinge
Direct Dial: 01604 586625

Dear Sir/ Madam

Consultation: WNDC Sustainability Manual.

Following on from the recent Pre-Consultation notification of the WNDC Sustainability Manual, I am pleased to inform you that copies of the documents that collectively comprise the draft WNDC Sustainability Manual are now published for consultation. Copies of each of the documents are contained on the attached CD.

In summary, the documents which comprise the Sustainability Manual include:-

- WNDC Sustainability Framework Document
- Sustainable Development Policy Guide and Summary
- Sustainability Guide Technology Review and Summary

As advised previously, the Manual is intended to act as a guide for applicants, agents and Officers in the preparation, determination and implementation of planning applications, and thereby be used to secure highly sustainable forms of development through the development control process.

We would appreciate any feedback and comments you may have on all elements of the Manual by **5:00pm on 23rd November 2009**. Whilst we welcome comments on

all aspects of the document, we would particularly welcome your response to the following questions:

- Are there any Policies or Technologies that have been omitted from the review that should be included?
- Are the targets/standards sought through the Framework Document appropriate, or should they be varied? If so, how should they be varied?
- How do you think WNDC should engage with Developers and third parties in preparing and reviewing Renewable Energy Strategies?
- Are there any alternative approaches to the evidence being sought as part of planning applications to demonstrate compliance with the Code for Sustainable Homes and BREEAM?
- What mechanism/approach could be adopted to allow the submission of standardised energy data?
- What are your views on the control mechanisms for securing compliance with the Renewable Energy Strategy and Code for Sustainable Homes/BREEAM?

If you feel a meeting or discussion would be of benefit prior to formally responding to the Manual, please contact me so that we can arrange a mutually convenient time. Otherwise, I look forward to receiving your response by the date above.

Should you have any queries regarding the Sustainability Manual or consultation process, please contact me.

Yours Faithfully,

A handwritten signature in black ink that reads "A Arnold". The signature is written in a cursive, slightly slanted style.

Adrian Arnold

Interim Planning and Development Director

WNDC SUSTAINABILITY MANUAL

SAMPLE PRIOR NOTIFICATION OF INTENTION TO ADOPT E-MAIL

From: EricOwens[mailto:eric.owens@wndc.org.uk]

Our Ref: SM

Sent: 01 June 2010 12:09

Contact: Jake Collinge

To: XXX

Direct Dial: 01604 586625

Cc: XXX

Subject: WNDC Sustainability Manual: Prior Notification of Intention to Adopt

Dear Sir/ Madam

WNDC Sustainability Manual: Prior Notification of Intention to Adopt

Following on from the Consultation on the WNDC Sustainability Manual, I am pleased to inform you that copies of the documents that collectively comprise the final draft WNDC Sustainability Manual are now published for final review. It is intended that the Sustainability Manual be presented to WNDC Board on 6th July 2010 for adoption for use for development control purposes. The documents can be found on the following link

http://www.wndc.org.uk/about_us/board_and_committee_page/board_papers.aspx.

In summary, the documents which comprise the Sustainability Manual include:-

- WNDC Sustainability Framework Document
- Sustainable Development Policy Guide and Summary
- Sustainability Guide Technology Review and Summary

As advised previously, the Manual is intended to act as a guide for applicants, agents and Officers in the preparation, determination and implementation of planning applications, and thereby be used to secure highly sustainable forms of development through the development control process.

As a previous contributor, we would appreciate any feedback and comments you may have on those elements of the Manual that have been revised as a

consequence of the consultation. Comments should be received no later than **5:00pm on 15th June 2010.**

If you feel a meeting or discussion would be of benefit prior to formally responding to the final draft Manual, please contact me so that we can arrange a mutually convenient time. Otherwise, I look forward to receiving your response by the date above.

Should you have any queries regarding the Sustainability Manual or consultation process, please contact me.

Yours Faithfully,

Eric Owens

Delivery Team Leader

West Northamptonshire Development Corporation

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WNDC SUSTAINABILITY MANUAL

LIST OF CONSULTEES

NAME	NAME
Northamptonshire County Council	BHC Architects
Northampton Borough Council	BM3 Architecture
South Northamptonshire Council	Halliday Fraser Munro
Daventry District Council	Bowmer Kirkland Limited
Wellingborough Council	Budworth Hardcastle
Warwickshire County Council	Building Design And Partnership
Stratford District Council	Robinson Lloyd Architecture
Rugby Borough Council	Cole And Co Architectural
Kettering Borough Council	Complete Technical Ltd
Leicestershire County Council	Pick Everard
Harborough District Council	D Bayliss Consulting Ltd
Buckinghamshire County Council	GIA Ltd
Northamptonshire Police	DGG Planning (Wokingham) Ltd
Natural England	Montague Evans LLP
Wildlife Trust (Northamptonshire)	Dickinson Dees
Sport England	DLA Architects Practice
Environment Agency	Dovetail Architects
English Heritage	Drivers Jonas
Anglian Water	DSP Architects Ltd.
British Waterways	DW2 Ltd
CPRE (Campaign to Protect Rural England)	DWA Architects
Central Networks	Harrison Design Company Ltd
Civil Aviation Authority	Harrison Ince
Department for Transport	Higham And Co
East Midlands Ambulance Service NHS Trust	Holmes-Antill
East Midlands Development Agency	Idea Architectural Technology

East Midlands Regional Assembly	Indigo Planning
Government Office Of The East Midlands	Jackson Wellings Design Partnership
Inland Waterways Association	Pegasus Planning Group
Moulton Environment Group	JS+P Architecture
National Air Traffic Services	JudgeGill
National Farmers Union	K.L.Skalka Architects Ltd
National Grid	Barton Willmore
Nene Flood Prevention Alliance	Kenneth Holmes Associates
Northamptonshire Enterprise Limited	Kevin R Twigger
Northants Bat Group	King Sturge LLP
RSPB Regional Office	King West
Severn Trent Water Ltd	Lambert Smith Hampton
SUSTRANS	LDA Design
The Forestry Commission	Levitt Partnership
Northamptonshire Primary Care Trust	Maber Associates
Northamptonshire Fire And Rescue Service	Marric Chartered Surveyors
David Wilson Homes South Midlands	Gotch Saunders And SurrIDGE
Bellway Homes	Meridian Design
Wilson Bowden Developments	Metropolis Planning And Design
Persimmon Homes	Mezzanine Floors (Hull) Ltd
Croudace Developments	Michael Sparks Associates
Charles Planning Associates	Acanthus Clews Architects
Tenscentral	Interserve Project Services Ltd
Nathaniel Litchfield and Partners	Kay Elliott Architects
Kember Loudon Williams	Atkins
Capel House Property Trust Ltd	Design At Source
De Virgo	Arcteck Designs
Gardner Stewart Architects	Barton Wilmore
Pegasus Planning Group	MWS Architectural And Design Consultants
Rapleys	Nathaniel Lichfield And Ptnrs
Abbeyross Property Consultants	Parkway Construction MK Limited

Barratt Strategic	Paul Haddock
Bloor Homes Ltd	Paul Henry Architects And Project Managers Ltd.,
Bovis Homes Ltd.	Paul Newman New Homes
Brian Barber Associates	John Sisk And Son Ltd
Burbage Realty	Peak Associates
Fairview Homes Ltd	Peter Brett Associates LLP
Gallagher Estates	Peter Haddon And Partners
ProLogis Developments Limited	Peter Taylor Associates Limited
Redrow Homes (South Midlands) Ltd	Philip Horne Architectural Services
Studio REAL	Pick Everard
Taylor Wimpey Development	Plann Architects Ltd.
Blueprint	R D C Ltd
Architectural Solutions	Red 4 Limited
Clayson Country Homes Ltd	RJA Designs
Blue Sky Planning	Rochmills Limited
Marric Chartered Surveyors	Roger Etchells And Co
Wilbraham Associates Ltd	Ross Thain And Co. Ltd
WYG Planning and Design	RPA Vision
Savills	S Porobic Associates
Montagu Evans LLP	Scott Brownrigg
CB Richard Ellis	Seymour Harris Architecture
House Builders Federation	Shoosmiths
Drivers Jonas	Smith Stuart Reynolds
Bidwells	Space Architecture Ltd
GSS Architecture	HBG Design
DLP Planning Ltd	Stagecoach UK Bus
Hampton Brook Estates	Stephen George And Partners
Barwood Land & Estates Ltd	Stimpson Walton Bond
Mischon de Reya Solicitors	Stone Me Design
Slaughter and May	Watson And Cox Construction
Budworth Hardcastle	Styles And Wood Store Planning

Star Planning Hallam Land Management	Sursham Tompkins And Partners
Northamptonshire Enterprise Ltd	Terence O'Rourke
David Lock Associates	Tetlow King Planning Limited
Broadway Malyan	Tew And Smith
CMI Consulting	The D C M Partnership Ltd
HDA Architecture	The JTS Partnership
Lewis and Hickey Architects	Tibbatts Associates Ltd
Myles And Sims	Toh Shimazki Architecture
Quantcost Projects	Tuckley Chester Design Limited
Space Architecture	Turley Assocaites
A E W Architects	Turley Assocaties
Adams Holmes Associates	Underwoods
Alan Brown Development Services Ltd	Vaughan Monckton Architecture
Alliance Planning	Whittaker Prestidge Architects
Whittaker Prestidge Architects	WPL Design And Management Ltd
AT Architects	ZED Factory Ltd
Anthony Rickett Architects Ltd	Balfour Beatty
Anva Ltd	The Princes Foundation
Architectural Ideas	Homes and Communities Agency
Architectural Solutions	Homes and Communities Agency
Arcteck Designs	West Northamptonshire Joint Planning Unit
Atkins Ltd	Northamptonshire Joint Planning Unit
B And B Design Consultants	North Northamptonshire Development Company
E C Harris	Homes and Communities Agency
Eades Hotwani Partnership	CABE (Enabling)
Elias Topping	Goodrich Projects Ltd
Featherstone Austin Woodward Architects	RPS
FED3 Projects Limited	Sursham Tompkins & Partners
Foxley Tagg Planning Ltd.	Green Peninsula Co Ltd.
Franklin Ellis Architects	Hadland Chartered Surveyors
Geometra Limited	Halcrow Group Ltd

Salisbury Jones Planning	Harris Lamb Ltd
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WNDC SUSTAINABILITY MANUAL
CONSULTATION RESPONSE REFERENCE TABLE

Pre-Consultation Response

Reference	Organisation
A	Wildlife Trust
B	British Waterways
C	Nene Valley Flood Protection Alliance
D	Wildlife Trust (BAP Officer)
E	Natural England
F	Anglian Water
G	Mid-Northamptonshire Parishes

Consultation Responses

Reference	Organisation
1	CAA Aerodrome Standards Authority
2	Wildlife Trust
3	Sport England
4	Redrow
5	Drivers Jonas
6	Internal – Andrew Ryley
7	Ravensthorpe and Coton Parish Council
8	Northamptonshire County Council (Biodiversity)
9	Government Office East Midlands
10	East Midlands Regional Assembly
11	English Heritage

12	West Northamptonshire JPU
13	Friends of the Earth Northamptonshire
14	Northampton Borough Council
15	DLP Planning
16	Daventry Villages Together
17	Old Stratford Parish Council
18	Central Networks – Infrastructure Services
19	Croudace Strategic Limited
20	Pegasus Planning Group on behalf of Persimmon Homes and Bloor Homes
21	Northamptonshire Police and Fire and Rescue Service
22	Barratt Strategic Ltd, David Wilson Homes South Midlands Ltd and Barratt Northampton Ltd.

Prior Notification of Intention to Adopt Responses

Reference	Organisation
23	Wildlife Trust
24	Northamptonshire Police
25	East Midlands Councils

WNDC SUSTAINABILITY MANUAL

CONSULTATION RESPONSE TABLE

	ISSUE	S/HOLDER REF. NO.	RESPONSE / COMMENT	POTENTIAL OPTIONS	OPTION ASSESSMENT ON STAKEHOLDERS	IMPACT ON WNDC	OPTION ASSESSMENT ON WNDC	IMPACT ON WNDC	OPTION APPROACH
1	Documents of this nature should be prepared at National Level - otherwise gives rise to local inconsistencies. Should not extend requirements beyond national standards.	15, 19, 20, 22	National advice allows for locally produced and implemented documentation on sustainability matters, provided these are soundly evidenced and, as appropriate, subject to independent scrutiny. Approach adopted in drawing up the document follows Paragraph 11 of PPS 1 (Supplement)	1 (i) Accept and abandon manual.	Will address issue but will not provide a clear framework for stakeholders, resulting in uncertainty, and fail to reflect some of the positive comments received	Will leave a policy void, fail to provide the innovative policy framework sought and give rise to cost implications from the abortive work.			Discount
				1 (ii) Review against other local documents to establish whether inconsistencies exist, and consider re-focussing document to legacy setting and drawing linkages with other policy documents.	Not significant, but will reduce scale of issue and provide greater flexibility.	Will provide a more rigorous and flexible document.			Accept
				1 (iii) No change	May provide lack of clarity and uncertainty between documents	Risk of any potential inconsistencies being exploited to de-value the Manual.			Discount

2	Needs to be applied flexibly and with pragmatism to reflect viability and feasibility issues and/or prioritised alongside delivery of other planning benefits	4, 5, 14, 15, 20, 22	The Manual has been drafted to provide some flexibility where it can be satisfactorily demonstrated that scheme viability is directly affected by the requirements of the Manual. Given the national drive to Zero Carbon Homes by 2016, it should be expected that the costs associated with improved sustainability in the construction of buildings is deducted from the land value. Approach to undertaking viability assessments set out within WNDP Planning Obligation Strategy.	2 (i) Increase flexibility in achieving standards and requiring evidence why standards cannot be achieved.	Will provide re-assurance that issues affecting deliverability will be considered on the basis of flexible standards and that opportunities exist to demonstrate why these cannot be achieved.	Will provide clarity to all, but need to maintain legacy setting approach. In cases where developers submit assessments seeking to justify why standards cannot be achieved, WNDP may need to seek independent advice with associated financial implications.	Accept
				2 (ii) as 2(i) plus reference to priority of sustainability measures against other planning benefits - eg affordable housing, POS requirements	As above, and will provide clarity to developers on key priorities	Prioritisation of planning benefits arising from schemes maybe too constraining and priorities may vary by location - may only hinder the proper planning of the area.	Discount
				2 (iii) No Change	Would remain open for developers to submit such information. However, lack of clarity giving rise to potential for inconsistencies.	Lack of clarity / consistency may give rise to protracted negotiations that delay / hinder delivery.	Discount

3	Manual seeking to control issues that should be, and will be, dealt with through Building Regulations	15, 20, 22	The scope of the Manual generally extends beyond Building Regulation requirements and forms part of a suite of WNDC delivery documents focussed on securing sustainable development. The Manual does not seek to replace or duplicate Building Regulations but show a clear and rational basis to sustainable design.	3(i) Abandon Manual and rely on Building Regulations	May appease developer interests but the interests of other key stakeholders may not have the same weight in determining applications if submitted in the absence of a Sustainability Manual.	As 1(i)	Discount
				3 (ii) No Change	Limited impact on most stakeholders. May be some cross-over with Building Regs, but not substantive in terms of additionality impacts.	Will ensure the full range of sustainability matters are considered in a clear, rational and logical manner and as part of a suite of WNDC delivery documents focussed on securing sustainable forms of development.	Accept
4	The requirement for a RES is an unnecessary additional cost burden that could be considered through a DAS or ES.	15	There is no reason why the key components of a RES can not be submitted with a DAS or ES and, depending on the nature and scale of development and the type of application, this may be sufficient if suitably controlled. The RES does, however, allow for controls to be exercised where schemes change and the additional cost burden is likely to be limited.	4 (i) Incorporate flexibility to allow scope/nature of the RES to reflect submission details and scale of scheme. Such approach would reflect recent Government consultation documents	Limited impact on most stakeholders, except developers. Flexibility would, however, allow developers to put forward a case that a RES is not required if sufficient information is provided as part of the application that will endure for the life of the permission. Alternatively, the requirements of the RES can be framed by the information supplied.	May give rise to inconsistencies of approach and difficulties in interpreting the range of information required as part of a subsequent RES, but could be controlled by clear references to information required in the Sustainability Framework Document.	Accept

				4 (ii) Remove requirement for a RES	Address developer concerns. May leave other stakeholders without a framework for ensuring interests are preserved and/or allow appropriate influence of outcomes.	Potentially constrains the scope of WNDC to incorporate up-to-date sustainability measures in development schemes, especially large schemes that come forward in a series of phases.	Discount
				4 (iii) No change	Limited impact on most stakeholders. Developers may consider there to be some duplication.	Still provides a clear framework for determining planning applications, and ensures at the point of development the most up-to-date sustainability principles are incorporated. Would not reflect emerging policy	Discount
5	Obligations or conditions to control implementation of the RES is contrary to PPS1 (Supplement) given that it will be controlled by Building Regulations.	15	It does not necessarily follow that the key components of a RES will be controlled by Building Regulations, especially given that the RES will generally have a wider scope than the issues covered by Building Regulations. Obligations/Conditions provide an appropriate mechanism through the Planning Acts, albeit it is recognised that, where appropriate, conditions should be used in preference to Obligations.	5(i) No change	Limited impact on most stakeholders. Developers will be party to discussions regarding obligations and conditions, with powers to apply to vary as necessary.	Will provide important control mechanisms to ensure that the principles set out in the RES are complied with. If through conditions, need to be aware that the LPA is the relevant enforcing authority.	Accept

				5 (ii) Omit reference to controls through Obligation / Condition.	Will meet objectives arising from the objection, but a large number of stakeholders will not have a mechanism for controlling matters of importance to them, unless secured through other means.	Without a mechanism to make the RES 'bite' it would be a fruitless exercise. There is a need to control through either means, otherwise sustainability measures or approaches that test the boundaries will not be secured.	Discount
6	There are no local circumstances to justify the approach in the Sustainability Matrix, contrary to PPS1 that such matters should be DPD not effective SPD	14, 15, 19, 22	The matters set out in paragraphs 32 and 33 of PPS1 (Supplement) are the key consideration. The key issue concerns whether the manual is creating new policy or interpreting existing policy that has been examined by an independent Inspector. The preparation and content of the Manual has followed the principles set out within Paragraph 9 and 11 of PPS 1 (Supplement)	6 (i) Dispense of Matrix	Will reduce pressure on developer requirements. Other stakeholders requirements/objectives may be compromised.	Will leave WNDC reliant on Central Government targets/requirements or Planning Principles. Will reduce ability to push sustainability standards.	Discount
				6 (ii) Dispense of Matrix and adopt alternative approach.	Alternative approaches may give rise to the same issue from a developers perspective. Other approaches could be designed to reflect stakeholder needs, but are likely to be more complicated and less well-related to an established benchmarking system.	Any alternative approaches will need to be subject to further consultation, and are likely to be subject to the same criticism. Only minor amendments would be required to the matrix to bring it in line with current Central Government policy (in respect of CSH and BREEAM) but would lose the opportunity to push the boundaries.	Discount

				6 (iii) Retain principles of Matrix as drafted, but adopt more pragmatic and flexible approach based on development interests providing clear justification when standards cannot be achieved.	Will provide all stakeholders with clarity of approach, and flexibility.	Will provide WNDC with a clear basis for discussion and negotiation, with legacy setting targets identified.	Accept
7	Question whether 10% requirement in EMRP is 'Policy', was it tested by the Inspector and can it be applied through SPD.	14	Further research required to establish the status of the statement in Policy 2 of the EMRP and whether it was tested at the time of the EIP. Amend according to outcomes	7(i) Undertake review of matters considered at the EIP/take further legal advice.	Will give greater certainty as to appropriateness of the approach.	Will give greater certainty as to appropriateness of the approach. Review undertaken greater flexibility required against 10% 'target' and other matters in Policy 2 of the Regional Plan	Accept
8	Lost opportunity to provide evidence to underpin the Northampton Core Strategy and Action Area Plan	14, 22	Noted, but the scope of the document was not intended to have a specific or detailed spatial bias, but to provide a general position whilst understanding some of the sustainable development options that exist in West Northamptonshire.	8 (i) Review scope and re-commence work.	If the document is to have a spatial bias it may require more input from a number of stakeholders in order to ensure a robust evidence base. Would require stakeholders to re-focus	Significant additional cost implications, and time delays. May also give rise to need for SA.	Discount
				8(ii) No change	Limited impact given scope is clearly defined.	Ensures outcomes are contained within the original scope of the document.	Accept

9	Would benefit from identifying preferred / feasible technology options by growth direction.	12, 14	See Comment 8 above.	9 (i) review outcomes / options against potential growth directions for Northampton, Daventry and Towcester.	Could assist local authority partners in developing Core Strategy and LDF Documents and associated policies. Give greater certainty to developers, could facilitate focus on other stakeholder interests / objectives. May require other bodies to carry out such work.	Beyond scope of document, and significant cost and time implications. Unless comprehensive, could potentially be criticised for pre-judging growth directions.	Discount
				9 (ii) No change	Limited impact given scope is clearly defined.	Ensures outcomes are contained within the original scope of the document.	Accept
10	Need to reference and focus on the approach to energy advocated by the Zero Carbon Hub and recent Central Government Publications.	4, 20	Noted, the approach to energy and the subject area more generally, has moved on significantly even during the preparation of the document. Accepted that the Manual may need to be updated to reflect the latest approach.	10 (i) Review and update Manual to reflect the approach advocated by the Zero Carbon Hub.	Negligible impact. Will ensure the finalised document represents current up-to-date thinking, which includes an allowance for flexibility in delivery.	Additional time and cost associated with updating and re-focussing the Manual to emphasise the most up-to-date approach.	Accept
				10 (ii) No change	May give rise to some conflict/negotiation issues if the Manual does not reflect current thinking or quickly becomes out dated.	A risk that the Manual is out-of-date the moment it is published. Important to be leading-edge and innovative, and this would be undermined if there is a failure to appropriately reflect the direction of travel of policy making.	Discount

11	Omissions: (i) retrofitting, (ii) focus on flexible designs, (iii) exacting standards on ecology to be applied through CSH and BREEAM	2, 13	All Noted	11 (i) Review (i)-(iii) against policy position and amend / update accordingly	Some stakeholders may question level of detail/controls and seek further consultation on the Manual. Others will see the move as positive in maximising opportunities for influencing sustainable forms of development.	Additional time and cost associated with reviewing and updating the Manual.	Discount
				11 (ii) No change	Additional considerations identified by stakeholders (that are important interests given their role and objectives) would be omitted	May reduce scope and effectiveness of the document with areas that would enhance sustainability potentially omitted from consideration. However, Manual is drafted on sufficiently wide terms that these matters would not be omitted. A number of these matters are covered through other WNDC guidance or go beyond the ability of WNDC to secure.	Accept
12	Draft Sustainability Framework Document fails to recognise the contribution that other factors (beyond renewable/low carbon energy sources) can make to reductions in carbon emissions and sustainability.	19	Noted.	12(i) No Change	Will limit/restrict options for developers to achieve/introduce alternative sustainability measures/targets and could mitigate against their use. May limit the influence of other stakeholders in the process if sphere of influence is outside matters covered by the 10% issue.	Will provide consistency and clarity to WNDC in determining related planning applications	Discount

				12 (ii) Amend sustainability framework document to include reference to such matters, and establish appropriate reference point in the document to such matters. Address in context of Policy 2 of the EMRP	Will increase opportunities for developers to demonstrate compliance with the underlying principles of sustainability, and enable other stakeholders to influence the process.	Assessment becomes more difficult and complicated. No standard against which to benchmark and becomes difficult to ensure consistency of approach. Could be addressed through Strategy requirements	Accept
13	Needs to be provision / timetable for reviewing the document regularly	20	Noted	13 (i) Include reference to review timetable.	None	Will have on-going budgetary implication to enable full review. Will reduce effectiveness of the document if timetable for review is not complied with.	Discount
				13 (ii) No change	Will enable stakeholders to question on-going relevance if no review, or commitment to review.	If no review, quickly risk reducing the value of the document, although the lack of reference does not preclude an on-going review.	Accept
14	Manual should focus on reducing the opportunity for anti-social behaviour, together with arson and fire incidents, as these are relevant to creating safer and more sustainable communities.	21, 24	The Manual forms part of a suite of documents, including the Manual for Design Codes and Planning Principles. Such matters are briefly and generally summarised through the Manual for Design Codes but only in brief terms.	14 (i) No Change	Only impact will be on the Police and Fire Service since issues will not be highlighted, albeit it does not preclude such matters being raised either at pre-application stage or during the consideration of an application.	Not significant	Discount

				14 (ii) Amend to incorporate the changes suggested	Will ensure stakeholder interests are included, with limited effect/impact on other parties.	Will enhance comprehensiveness of the document, but will duplicate advice already provided through either WDC of national planning guidance. See Manual for Design Codes	Discount
15	Needs updating to reflect changes in National Planning Policy and other material considerations	2, 20, 21, 23	There have been a suite of new policy documents since the Manual was drafted. Some cross-over with issue 10	15(i) No Change	Limited impact	Manual will be out-of-date on publication, which could be exploited by those seeking to do so.	Discount
				15(ii) Update document to reflect latest policy position	Limited impact	Will ensure a more robust and relevant document	Accept
16	General formatting and correcting of terminology	2, 23	There are a number of terms which require clarification and updating.	16(i) No Change	Limited impact	Manual will be out-of-date on publication, which could be exploited by those seeking to do so.	Discount
				16(ii) Update document to correct inaccuracies	Limited impact	Will ensure a more robust and relevant document	Accept
17	The Governments intention to abolish Regional Spatial Strategies need to be considered. The potential deletion of Policy 1 and Policy 2 is particularly relevant	25	Whilst it is known that it is the Governments intention to abolish the RSS. It is accepted that these will be replaced with an alternative approach and the direction of travel is well known. This document remains relevant until it is abolished.	17(i) No Change	Significant impact	Government policy remains in force until the RSS is abolished. It Transitional or new arrangements will be provided by Government in due course. Waiting for this advice is likely to prove the most efficient and cost effective approach.	Accept

				17(ii) Revise the document to reflect Government advice	Significant impact	Government policy remains in force until the RSS is abolished. Transitional or new arrangements will be provided by Government in due course. It is likely that abortive work will result if these elements of the document are revised now.	Discount
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