DM24

160) What does part A of this policy require that part B of core Strategy policy CS13 does not already require? As stated, the policy appears to state the information required to validate a planning application, it does not tell either a developer or a development control officer how a proposal would be judged in the light of the information to be provided. It gives no detail of what characteristics a development must achieve in order to obtain planning permission. Without that, would it not fail the test of NPPF paragraph 154? Does this policy and its justification (paragraph 25.2) have a place in the DMPDPD other than perhaps in the implementation section of this chapter?

161) Does the first bullet point of part B duplicate policy DM15 D?

162) How would a development be expected to prioritise the need for people to be physically active as a routine of their everyday life?

163) Does the third bullet point of part B duplicate policy DM15 G?

164) Does the fourth bullet point of part B duplicate policy DM 15 F?

165) Part C of this policy appears intended to give partial effect to Core Strategy policy CS13 F. The Core Strategy policy itself refers to “any” land use reducing people’s ability to be healthy. The justification to the Core Strategy policy explains that this may include such things as unhealthy food and alcohol. Part C of policy DM24 deals with one particular kind of unhealthy food. There does not appear to be any development management policy applying CS13 F to alcohol. Can that be explained and justified? Nor does there appear to be any development management policy applying CS13 F to any other kind of land use reducing people’s ability to be healthy; such as shops for the retailing of tobacco or sweets. Can that be explained or justified?

166) There seem to be a couple of typing errors within part C of this policy; (a) should the first bullet point be (i)?; (b) should point (vi) read “with inappropriate” rather than “within appropriate”; (c) is there a “not” missing from point (x)?

167) Does the reference to “odours” in point (v) duplicate point (vii)?

168) What would be the “appropriate” hours of operation in point (v) and how would they be justified?
169) Where will I find the justification for the various thresholds chosen (5% in 2nd bullet, 1 within 400m of 3rd bullet and in (iii), 2 and 5 A5 units in (ii))? 

170) The second and third sentences of paragraph 25.3 appear to represent policy rather than justification. 

171) Should paragraph 25.4 appear as the justification to policies DM15 D, F and G in an earlier chapter? 

172) Is paragraph 25.7 policy or justification? Why are the four criteria in the bullet points of this paragraph different from the criteria set out in part C of the policy itself? 

DM25 

173) In part (a), how will a developer (or development control officer) know that the potential for contamination will require an assessment? How will the necessity of investigation and remediation be judged? Is this an administrative policy concerning the validation of an application, or a planning policy setting out the outcome which a development must achieve? 

174) In part (b), how will the Council’s opinion be reached? 

175) The first statement of part (c) is a justification for a policy rather than a policy in itself. 

176) The second sentence of part (c) appears to be conditional on “where levels of air pollution are high” yet the justification in paragraphs 26.7 and 26.8 tells us that the whole of LBWF is an AQMA where mitigation measures should be standard practice, so why is this conditional clause included in the policy? 

177) Is the policy to require an assessment (an administrative policy requiring a document prior to validating a planning application) or to achieve a satisfactory effect on air quality? How is a developer (or development control officer) to judge what would be an acceptable outcome? 

178) In part (d) how is a developer (or development control officer) to know what would be regarded as significant? 

179) In part (e), how is a developer (or development control officer) to know what would be regarded as unacceptable? 

180) In part (f), how is a developer (or development control officer) to know what would be regarded as unacceptable? 

181) Is the third sentence of paragraph 26.3 stating (administrative) policy or justification for policy?
182) Is paragraph 26.4 stating administrative policy, planning policy or justification policy or justification?

183) The first part of paragraph 26.8 reiterates the procedural requirement for an assessment to be made and submitted with an application. The second part requires mitigation measures as standard practice. This appears to be stating a planning policy which is less selective than that set out in DM25 (c). It also appears to duplicate the planning policy set out in DM14 H.

184) The mitigation measures referred to in paragraph 26.8 appear to be intended to reduce or compensate for the pollution originating from a development. On the other hand, the mitigating measures exampled in paragraph 26.9 appear to be intended to be applied to developments on the receiving end of pollution. In neither case is there any detail to tell a developer (or a development controller) what outcome would be acceptable.

185) The third, fourth, fifth and last sentences of paragraph 26.11 appear to be modifying policy DM12 C in ways not stated in policy DM12 C itself, which is thereby misleading and so, unsound.

186) Other than the first sentence, paragraph 26.12 appears to be stating policy.

187) Is paragraph 26.13 stating policy, giving advice or providing justification?

188) Paragraph 26.14 appears to be stating an administrative policy, requiring a document to be submitted of validating a planning application.

189) Is the penultimate sentence of paragraph 26.15 meant to be stating a policy?

190) Is the last sentence of paragraph 26.16 meant to be stating a policy? How likely is such a policy to be needed to apply in LBWF?

LBWF DMPDPD

Comments on policies DM26 – DM28 & 33

DM26

191) The title of the policy limits it to “in Town Centres” Yet, as part F makes clear, the policy actually ranges wider. (It’s not clear whether part G is limited to town centres or has universal application). Does the title of the policy need clarification?

192) Is the extent of the primary and secondary frontages defined in this DMPDPD or in the Site Allocations DPD? If here, then I need to be pointed
to the particular passages in the evidence base which justify the selection of the chosen frontages.

193) How were the figures of 30% in part A (i) and 50% in part B (i) and the threshold of three or more in A(ii) and B (iii) chosen and justified?

194) Because A5 uses have their own policy DM24 C, should they be excepted from this policy? (They are specifically referred to in parts B (i) and G)

195) Would the inclusion of part H infer that policy DM30 does not apply where this policy applies? (DM30 (v) requires active frontages, so there is some duplication)

196) In practice, what would “encouraged” in Part H (i) mean when the Council can only permit, refuse, apply conditions or seek s106 agreements?

197) The second and third sentences of paragraph 27.4 appear to duplicate part A of the policy.

198) The second sentence of paragraph 27.5 together with paragraph 27.10 appear to be setting policy requirements which differ from those of part A of the policy itself. Does this suggest that the policy is incomplete, lacking clarity and, perhaps unsound?

199) Are paragraphs 27.16 and 27.17 setting or duplicating policy?

200) Is paragraph 27.19 stating policy?

201) Are the second, third and fourth sentences of paragraph 27.26 stating or restating policy?

**DM27**

202) Does part A of this policy do anything more than restate Core Strategy policy CS14 A? What is the justification for its inclusion?

203) Does part B of this policy do anything more than duplicate paragraph 26 of the NPPF?

204) Do paragraphs 28.2 to 28.7 do anything more than restate a justification for Core Strategy policy CS14 A?

205) Are paragraphs 28.9 – 28.10 setting a specification for information to validate an application, or providing a policy justification?

206) Other than setting a local floorspace threshold of 200 sq m (not stated in the policy itself), do paragraphs 28.10 & 11 do more than restate the requirements of the NPPF?
207) Are paragraphs 28.12 – 14, 16 and 17 setting out policy, not stated in the policy itself?

**DM28**

208) I have no comment on this chapter.

**DM33**

209) Although figure 1.3 relates this policy to Core Strategy policy CS14, it appears rather to be giving effect to Core Strategy policy CS13 A (except for the last bullet applying CS16)

210) In the light of this policy and its justification, is policy DM8 parts E and F and their justification necessary? Would the duplication cause confusion and a lack of effectiveness?

211) There appears also to be overlap or duplication between the fourth bullet of this policy and policy DM25 (d). Would that cause confusion and a lack of effectiveness?

212) There appears also to be overlap or duplication between the sixth bullet of this policy and policy DM25 (e). Would that cause confusion and a lack of effectiveness?

213) The bullet points of this policy list eight subjects to which the Council will have regard. What is the Council’s regard looking for on each subject? What is meant by “unacceptable loss”? The third and last sentences of paragraph 34.4, the last sentence of paragraph 34.5 and the last three sentences of paragraph 34.7 all set out some aspects of policy without giving potential developers (or development control officers) a clear guide as to what the Council would find acceptable.

214) The second sentence of para 34.3 simply duplicates the last sentence of the policy itself.

**LBWF DMPDPD**

Comments on policies DM29 - 32

**DM29**

215) Although figure 1.3 of the DMPDPD relates this policy to Core Strategy policy CS15, I recognise that it also gives effect to Core Strategy policy CS12.

216) Other than parts E and G and the first sentence of paragraph 30.13, what does this policy require of a developer that is not already required by paragraphs 126 to 141 of NPPF?
217) Do paragraphs 30.7, 30.8, 30.10, 30.12 do anything other than restate policy or state policy not included in the policy itself? (Para 30.7 introduces a further developer’s assessment not included in my earlier list; a Heritage statement).

218) What part of the policy is paragraph 30.11 seeking to justify?

219) The first sentence of paragraph 30.13 asserts a policy which is not included in the policy itself.

220) The last sentence of paragraph 30.16 appears to be a statement of policy, not justification.

221) Is paragraph 30.17 a description of how the Core Strategy would be implemented, rather than a justification for any DMPDPD policy?

222) Is the last sentence of paragraph 30.19 and all of paragraph 30.20 a statement of policy or of justification?

223) Is paragraph 30.23 stating policy, giving advice or providing justification?

224) Are paragraphs 30.26, 30.27, 30.28, 30.29 and 30.30 anything other than a restatement of policy rather than justification?

**DM30**

225) Much of policy DM30 appears to summarise and duplicate other selected policies. For example, part (ii) appears to duplicate DM8 A and DM26 H, part (iii) duplicates DM14 B, part (iv) duplicates DM13 A, part (v) duplicates DM1 B (d)(v) and DM36 H (i), part (ix) duplicates DM8 H and DM17 G, part (x) duplicates DM7 B, part (xi) duplicates DM6 B vi, part (xii) duplicates DM11 and DM12, part (xiii) possibly overlaps with DM8 C and part (xiv) duplicates DM1 B. This gives rise to four questions; (1) Is the duplication justified? (Cross references are rarely used). (2) Sometimes the language used is not precisely identical. Where different language is used, is there a risk of inconsistency and confusion and so a lack of clarity and effectiveness? (3) What significance is there in the omission of some other matters which impact upon design from the list in DM30 (e.g those matters listed in DM25 and DM33)? (4) Would the omissions cause confusion?

226) What are the appropriate facilities cryptically referred to in part B of the policy? Would this part duplicate the last two bullet points of policy DM17 D?

226) Paragraph 31.3 appears to describe how the policy would be implemented, rather than providing justification.

227) Paragraph 31.6 appears to restate the policy, rather than justifying it.
228) Are paragraphs 31.7 and 31.8 restating parts of the policy using different language, or advising on its implementation? They do not appear to be providing justification.

229) As part (iii) of the policy duplicates DM14 B, so paragraph 31.9 appears to be duplicating the justification for that policy.

230) Paragraph 31.10 and the first sentence of paragraph 31.11 appear to be repeating or restating policy rather than justifying it.

231) All but the first sentence of paragraph 31.12 appears to be stating or restating policy rather than justifying it.

232) As part (ix) duplicates DM8 H and DM17 G, so paragraph 31.13 appears to duplicate the justification for those policies.

233) The first sentence of paragraph 31.14 simply restates the policy; it does not provide justification.

234) Other than the first two sentences of paragraph 31.15, the rest of the paragraph, together with paragraphs 31.16, 31.17 and 31.18 appear simply to restate the policy rather than to justify it. In consequence, the policy appears to have little or no justification. Yet, as the second sentence of para 31.15 points out, the power to control adverts only applies “when it is justified”.

DM31

235) As stated, the policy requires “Applications……should…be designed....” Presumably, what is meant is that “New development ......should... be designed.”

236) paragraphs 32.3 to 32.6 appear to restate the policy rather than provide justification, which can be found in paragraphs 32.1 and 32.2.

DM32

237) I have no comments on this chapter, other than to observe that parts A (i) and (ii) duplicate DM30 (vii) and (viii), that part (iv) duplicates DM33 and that paragraph 33.4 is an implementation point rather than a justification point.
Comments on policies DM34 & DM41

DM34

238) Although this is clearly a policy impacting upon design, it is not one of the matters listed in DM30. Would its omission from that policy weaken its effectiveness? (But would duplication cause confusion?).

239) does the first bullet of part (a) do anything more than duplicate DM15(E)?

240) Does the second bullet of part (a) do anything more than duplicate DM30 (vi)?

241) Does the third bullet of part (a) do anything more than duplicate DM30 (vii)?

242) Does the fifth bullet of part (a) do more than duplicate DM15 B?

243) Does part (c) do more than duplicate DM26 G (iv)?

244) Does part (d) do more than duplicate policies DM18 C and E and DM13 C?

245) Does part (e) do more than duplicate policy DM15 D or require more than Core Strategy policy CD7 (e) already requires?

246) The last sentence of paragraphs 35.4, 35.5 and 35.8 all appear to state policy requirements, rather than justification.

247) Paragraph 35.6 appears to provide justification for policies DM24 C and DM26 G

DM41

248) NPPF paragraph 207 advises Local Planning Authorities to consider publishing a local enforcement plan but there is no requirement that it form part of a Development Management Policies DPD. If it does so, then it must be examined for soundness, like any other part of the DPD.

249) NPPF paragraph 207 advises that a local enforcement plan should manage enforcement proactively, in a way that is appropriate to their area. Where will I find the statement of what proactive methods will be used? Where will I find the statement of which kinds of alleged breach will be prioritised for proactive investigation? Where will I find the justification for the choices made? Paragraphs 42 and 49 appear to give the answer to these questions; but why then is DM41 included in this DMPDPD?
250) NPPF paragraph 207 advises that a local enforcement plan should set out how the Council will monitor the implementation of planning permissions. Where will I find this statement? And where will I find the justification for whatever methods of monitoring are proposed by the Council?

251) NPPF paragraph 207 advises that a local enforcement plan should set out how the Council will investigate alleged cases of unauthorised development. Where will I find this statement? And where will I find the justification for whatever methods of investigation are proposed by the Council?

252) NPPF paragraph 207 advises that a local enforcement plan should set out what action should be taken in what appropriate circumstances. Where will I find this statement? And where will I find the justification for the choice of action related to each appropriate circumstance?

253) What is meant by “proportionately” in part A of the policy? Paragraph 42.7 appears to give the answer but is not part of the policy.

254) How will the Council determine what is expedient in part B? Paragraphs 42.5 and 6 appear to give the answer but are not part of the policy.

255) What is meant by “in appropriate cases” in part C of the policy? Does this simply duplicate the last clause of the policy?

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LBWF DMPDPD

Comments on policies DM35 – DM36

DM35

256) Figure 1.3 relates this policy to Core Strategy policy CS5 but I recognise that paragraph 36.2 points out that it also relates to policy CS4 H, I and J.

257) What does part A require that policy DM18 G (a) does not already require?

258) What do the first two bullet points of part D require that Core Strategy policy CS4 I does not already require?

259) What does the first bullet of part E require that Core Strategy policy CS5 H does not already require?

260) What does the fifth bullet of part E require that policy DM30 does not already require?
261) What does the sixth bullet of part E require that policy DM32 does not already require?

262) Although the justification for this policy generally avoids repetition of policy, it does occur in a couple of instances. I recognise that this is usually at the culmination of an argument of justification but the Council should check that these points are not omitted from the policy itself; 7th sentence of para 36.10; 1st sentence of para 36.11; 8th, 9th and last sentences of para 36.12; 2nd, 3rd and last sentences of 36.19.

DM36

263) The last clause of part A troubles me in referring to financial or on-site contributions because it does not make clear the nature of the on-site contributions which are sought. It also appears that the financial contributions would be an objective of the policy in themselves, which would be unlawful. Paragraph 37.4 expands on this policy. In so far as it provides additional policy requirements or elaborations, they should be included in the policy itself, so that it is clear what a developer is expected to do. Any policy which suggests that the raising of financial contributions would be an end in itself would have to be found unsound.

264) Part B reads as an implementation or procedural validation policy rather than a development policy. Presumably, what is meant is that where there are existing biodiversity resources on-site or in the vicinity of a development site, the development must provide for their retention, restoration or enhancement. Are there likely to be any development sites which do not contain some degree of existing biodiversity resources? Is it intended that this policy would apply to all developments or only to those with a certain degree of significance of biodiversity resource? If so, what would be the threshold and how would it be justified?

265) How would a developer (or development control officer) know where would be regarded as “appropriate” in part C?

266) Is there a relationship between part G and policies DM30 (xi) and DM6 B(vi)?

LBWF DMPDPD

Comments on policies DM37 – DM39

DM37

267) Does this policy do anything more than duplicate other policies and the implementation sections of previous chapters? (Examples are policies DM1 B (vii) & (viii), DM14 C, DM15 G, DM18 H, DM22 b and d, DM29 I and DM36 A, paragraphs 2.49 & 2.50, 4.28, 12.27, 13.22, 13.23, 14.7, 14.24, 15.7, 15.26, 16.11, 17.18, 19.14, 19.15, 19.16, 22.9, 23.5, 23.6 23.9, 25.14, 30.32, 35.11, 36.25 and 37.17) Note that I have
commented on policies requiring planning obligations or financial contributions as they have occurred.

268) Figure 1.3 relates this policy to Core strategy policy CS3 yet the Strategic objective quoted at the beginning of this chapter is strategic objective 1, which is that of Core Strategy policy CS1. Is there an inconsistency here?

269) does paragraph 38.1 do anything more than summarise the policy?

270) Is paragraph 38.4 a statement of policy?

271) Are the third & fourth sentences of paragraph 38.5 a statement of policy?

272) Is paragraph 38.6 a restatement of policy?

273) Is paragraph 38.16 a statement of policy?

**DM38**

274) Does part D of the policy do anything more than reiterate the first paragraph of the policy?

275) Parts A, B and C of the policy are stated in terms of procedural requirements, rather than development characteristics. Presumably, what is meant is that;

- Telecommunications apparatus should be located so as to complete or improve coverage;
- Telecommunications apparatus should not stand alone where site or mast sharing would provide equally adequate coverage;
- And that the development will operate within ICNIRP guidelines for exposure to health risks.

276) Do the fourth and successive sentences of paragraph 39.4 do more than reiterate policy?

277) Do paragraphs 39.6 and 39.7 do more than reiterate policy?

278) Is paragraph 39.8 doing anything more than stating application validation requirements?

**DM39**

279) Does paragraph 40.5 do anything more than repeat part E of the policy?