Consultation Draft National Planning Policy Framework

Response by the Planning Officers Society

Introduction

1. The Planning Officers Society represents the most senior professionals and managers of planning functions in the English local authorities. We set out to:

- Act as an advocate and promoter of Local Government planning;
- Assist and advise the Government and the Local Government Association on planning matters and related issues;
- Act as a centre of excellence, undertake research and promote best practice in planning matters;
- Promote all aspects of the built and green environment by working closely with other organisations and professions.

2. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable developments, from national to local level, in ways which are fair and equitable and achieve the social, economic and environmental aspirations of all sectors of the community.

3. In our response we have tried as far as possible to fit our comments to the list of questions in the consultation document. Numbers given in brackets are the paragraph numbers of the Framework. As we recognise at various points in the submission, it will normally be the responsibility of the Society and other key stakeholders to produce any supplementary good practice guidance required. However, we have at a few points thought it appropriate to seek clarification of what particular parts of the Framework mean. In a number of cases, we have suggested alternative wording, or at least the general thrust of that wording. More generally, we would be happy to work constructively with DCLG in developing alternative wording in relation to any of the points we have made.

1a, 1b Delivering sustainable development

4. **Presumption in favour:** Whilst we understand and generally support the Government's wish to promote growth and development, we feel that the expectation (14) that development will be approved unless its adverse impacts "would significantly and demonstrably outweigh the benefits, when assessed against the policies (in the Framework) taken as a whole": (a) tips the scales too far in favour of a blanket and uncritical approval of development; (b) sits uneasily with the principles of localism and (c) would be a near-impossible test to apply in practice, in relation to a fifty-two page policy document, inevitably containing policies that would point towards different conclusions. As currently worded, this test would apply to all development, however minor. Whilst there may be perfectly valid local reasons for refusing a particular development, putting the onus on the local planning authority to prove that something as minor as an unsuitable house extension or change of use undermines national policy seems to us an unduly onerous test. We believe that the Government's objective could and should be retained, but could be expressed in a

more proportionate and nuanced way, that allows authorities to have some regard to legitimate local considerations, particularly in relation to less major developments. Last, but by no means least, our understanding is that Section 70(2) of the Town and Country Planning Act (requiring local planning authorities to have regard to "other material considerations") will continue to apply, and that something like that, which is enshrined in legislation, cannot be overridden by policy. This last point also applies to the following paragraph, about where a plan is silent on a particular matter.

5. **When the plan is silent:** The apparent expectation (14) that local authorities should approve all development on which their plan is silent is likely to have unintended consequences. It may encourage authorities to try and draft plans which anticipate every eventuality in detail, which would work against the goal of having more rapidly-produced and shorter plans. In relation to this, (20) suggests rather too narrow a role for supplementary planning documents which, when creatively used, have proved to be helpful to both planning authorities and the development industry.

6. **Sustainability:** (10) Whilst nobody would (presumably) object to the principle of sustainable development, we are concerned that there will be many different interpretations of what constitutes sustainability, and that this will prove to be a major source of delay and confusion at appeals and other planning examinations. Few developments will score equally high (or low) against all three of the sustainability criteria set out in paragraph 10, and the relative weighting that one attaches to these could lead to very differing views on sustainability. It should be self-evident that this weighting will be different in, say, a National Park, compared to an inner city regeneration area, and this leads us to the view that there should be scope for some local nuancing of the national definition. In this, local authorities would be able to flesh out the national policy in the light of local circumstances and thus at least limit the scope for repeatedly debating rival interpretations. Note that this is not intended to involve the introduction of a plethora of local policies, merely to make it clearer how national policy applies at a local level. The requirement to accompany a plan with a sustainability appraisal already allows an authority some scope to do this, but it would be helpful if the Framework at least acknowledged this role for the local authority in the local plan itself, and encouraged them to address the matter. In relation to this, some authorities may already have given some thought to the local dimensions of sustainability in advance of their local plans, through corporate policy documents. There should be scope for some weight to be attached to these in appropriate cases, given that sustainability is not exclusively a planning matter. The Society will be happy to help prepare good practice guidance on these matters. Not least, such an approach would be in accord with the Government's policy of localism. As it stands, references to sustainability elsewhere in the Framework tend only to relate to its economic dimension, which seems some way removed from the more balanced Brundtland Commission definition, from which it is derived. As this is the most commonly-applied definition, it would make more sense to set this out in the NPPF as the national definition and also make it clear that this will be applied at the local level, taking into account local circumstances. All other considerations aside, there is a vital interdependence between the three sustainability criteria, with social and environmental conditions needing to be improved if we are to attract and retain economic investment.

7. Having gone some way (though in our view, not far enough) towards defining sustainable development in paragraph (10), the whole matter is thrown back into confusion by paragraph (12), which says that sustainability is defined by the document as a whole. Is a definition running to 52 pages really a helpful basis for understanding the concept? The second bullet point in paragraph (19) refers to "the key sustainable development principles set out in this framework". To what is it

referring? The specific principles set out in paragraph (10), or the "everything in the framework" approach of paragraph (12)?

8. At the same time, the Framework might usefully make more clear the alignment between the social and environmental objectives of sustainability and its economic importance. As the foreword to the Government's own *Carbon Plan* points out: *This Carbon Plan sets out a vision of a changed Britain, powered by cleaner energy used more efficiently in our homes and businesses, with more secure energy supplies and more stable energy prices, and benefitting from the jobs and growth that a low-carbon economy will bring.* Making this link more explicit would give greater coherence to the rationale of the Framework. This same point might also usefully be reinforced in the section on planning for prosperity.

9. **Longer-term requirements:** We would welcome clarification of what the Framework means (at 24) by plans "taking account of longer-term requirements". What sorts of longer-term requirements? How long-term? Is it talking about plans making specific allocations of land beyond the 15-year time horizon? Inspectors will no doubt want to test plans against this criterion and planning authorities need to know more clearly what the nature of the test will be.

10. **Localism and the core planning principles:** (19) The core planning principles appear to contain no reference whatsoever to localism, the discretion this gives to local communities and the demarcation between local and national spheres of interest. This is surely sufficiently important to warrant some reference as a national planning principle?

2a Plan-making

11. **Certificate of conformity:** We would like to explore the mechanics and implications of the provision (26) for local authorities to seek a certificate of conformity with the Framework. Our understanding is as follows. Where the Framework includes a new requirement as to the ***content*** of plans, this would be something for the planning authority to take into account when it next came to review its plan – it would not render a plan previously found sound suddenly unsound. Where the Framework introduces a new ***policy*** requirement, authorities making a decision relating to it would have to have regard both to their plan and to the new policy requirement. Again, an existing sound plan would not suddenly become redundant. Is this also your understanding?

12. We have compiled a list of the criteria in the framework a plan would apparently have to meet to comply (we think it comes to about 88 items) and, depending upon how strictly these criteria are applied, our concern is that few if any current core strategies would meet them all. How would the certification process work? Would it simply say "Yes, you are sound" or "no, you are unsound"? This would be extremely unhelpful, casting doubt (possibly unnecessarily) on every aspect of the plan. Few, if any, local authorities might wish to apply for a certificate if this were the process. Or would it be specific about those aspects of the Framework with which it does not conform, allowing the rest of the plan to continue to function? This latter would clearly be far more helpful, albeit more resource-intensive for whoever does the evaluation. We also need to confirm that a certificate of conformity is an option for the local authority, not a requirement, and seek your guidance on what the status would be of a plan which either did not have a certificate of conformity, or which had had one refused.

13. One thing we ought to try and avoid is the temptation for authorities to abandon adopted core strategies, or those on which work is well advanced, and go back to square one with a new plan. This would lead to a considerable hiatus in plan-making, which would in turn discourage the development the Government is keen to see taking place. It would be far better to set out some transitional arrangements, to ensure that the work done so far on plan-making is not lost.

14**. Long-term vision for the area:** (19). Authorities need a clear steer on the content of these visions, since so many of them end up being motherhood statements that no one could possibly argue with – "we want a prosperous economy, an attractive environment, etc." - matters that have no regard to the real, hard choices that a plan has to make. The Framework should steer planning authorities to focus their vision on these real choices.

15. **Development Plan documents:** We welcome the flexibility (21) for local authorities to decide how many development plan documents are appropriate for their area, rather than having a "one-size-fits–all" limit of one document per authority.

16. **Financial burdens on development:** We would welcome clarification of the statement (at 21) that supplementary planning documents should not add to financial burdens on development. What does this say about Infrastructure Delivery Plans and the Community Infrastructure Levy?

17. **Definition of infrastructure:** The definition of infrastructure (at 31) seems narrower than that used for Community Infrastructure Levy. We believe it would be helpful for government policy to operate to a consistent definition (possibly that used for CIL). Failing that, the addition of a simple catch-all "**and other infrastructure**" at the end of the list of specific items might address the problem in this case. It might also be appropriate somewhere in the document for there to be a recognition of the positive role Section 106 and planning conditions can play in delivering essential infrastructure.

18. **Higher level policy:** "Assessments…should not repeat the assessment of higher level policy". Which higher-level policy? (36). Is this a reference purely to national policy or, if not, to what?

19. **Funding of infrastructure:** One interpretation of the statement (at 41) that "local planning authorities should facilitate development throughout the economic cycle" is that infrastructure contribution requirements should be set at a level that can be sustained even at the very bottom of the economic cycle. This would seriously restrict the contribution that CIL could make to meeting infrastructure needs. Is this the intention? If not, clarification of what this statement means in practice would be helpful.

20. **Conformity and precedence of plans:** There is potential conflict (or, at least, scope for confusion) between paragraph (50) ("Neighbourhood plans, therefore, must be in general conformity with the strategic policies of the local plan…") and paragraph (51) ("When a neighbourhood plan is made, the policies it contains take precedence over existing policies in the local plan for that neighbourhood…"). When authorities had to produce a separate core strategy, the distinction between strategic and non-strategic was rather clearer, but this would not apply to a single local plan document. This might be clarified by placing a requirement on the local planning authority to identify in their local plan those policies which are strategic, and to which the neighbourhood plan should comply, and (by exclusion) those which the neighbourhood plan may, if it sees fit, override.

21. **Spatial planning:** We were unable to find a clear commitment in the Framework to a planning system that was spatial, rather than narrowly concerned with land use. This may not be the Government's intention but, if the commitment to spatial planning remains, we would like to see it made clearer, including a reference to tying plans in with related programmes such as community strategies.

2c, 2d Joint working

22. **Duty to cooperate:** Whilst we welcome the strengthening of the duty to cooperate that has emerged with the passage of the Localism Bill, we do not believe it has yet gone far enough to address adequately the gaps left by the abolition of regional strategy (44). We would therefore encourage you to underline the importance of the duty further, say in paragraphs 23 to 28. For our part, the Society would be happy to help prepare good practice guidance for local authorities in implementing the duty, by means which might include the preparation of a Strategic Infrastructure Assessment. This guidance might also set clearer expectations as to what constitutes a satisfactory level of cooperation. We also need to bear in mind that neighbouring authorities will inevitably be at different stages in their plan-making process. We need to avoid a situation where the lack of progress by local authority A becomes an excuse for delay in the plan-making process of authority B, or alternatively that authority B tries to use its plan to railroad authority A into a particular position. On a related issue, we have some concerns about the degree of importance that seems to be attached to the role of Local Enterprise Partnerships in strategic planning. Whilst they clearly are valuable in informing local authority decisions on strategic priorities, they are unelected and unaccountable bodies and, in our experience, very often lack the resources to undertake such a leading role.

23. **Collaboration and conflict resolution:** Planning strategically and collaborating (45-46) seems to presuppose that there is always a consensus waiting to be arrived at. The reality is that some strategic issues will not be readily resolved, and a duty to cooperate does not imply a duty to agree. The Framework should at least acknowledge this, and place a duty on authorities to take all reasonable steps to resolve any impasses thrown up by strategic issues. Once again, the Society would be happy to help prepare good practice guidance on what is to be done in the event of such an impasse. Finally in this section, the duty to cooperate seems to apply only to public bodies, yet many of the key players (such as infrastructure providers) are in the private sector. Whilst we appreciate it may be difficult legally to impose a similar requirement on them, can anything further be done to help ensure their collaboration?

3a, 3b Decision taking

24. **Development management and enforcement:** The development management section (53-70) contains no reference at all to enforcement. This is surely a sufficiently important part of the planning process to warrant some mention. In particular, we would suggest that it should acknowledge the fact that one of the responsibilities of the local planning authority is to decide whether it is expedient to enforce against a particular breach of the planning legislation. Enforcement often tends to be seen rather negatively as a reactive "bolt-on" to development management, rather than being a positive, pro-active part of ensuring that what gets permitted actually gets built. The NPPF does nothing to change this perception and is thus a missed opportunity.

25. **Development management:** We welcome the principle enshrined in the first bullet point in (54). We believe that this positive approach is one that most planning

authorities now try to bring to development management and the Society would be pleased to help promote such practices, to make them universal. At the same time, we would submit that the refusal of development which is not sustainable is as important and legitimate a part of development management as is approving that which is good, and should be recognised as a fifth principle in para 54. Paragraph (54) might also reflect the principles of localism, with an additional paragraph along the lines of "These principles should be applied on the basis of delivering development that respects the vision and aspirations of the local community"

26. The Framework states (at 58) "The more issues considered at pre-application stage, the greater the benefits" – a statement which we support. However, it then potentially undermines this stance by saying that "Consents relating to how a development is built or operated can be dealt with at a later stage" (same paragraph). All the experience with assessment methods such as the Code for Sustainable Homes and BREEAM shows that the earlier the issues involved are considered, the greater will be both the potential opportunity to secure improvements and the potential cost savings. A case could be made for pre-application engagement with the planning authority by developers to be at the very least strongly encouraged, if not made mandatory, and for the planning authority to have a duty to engage in it in a positive and timely manner.

27. The NPPF talks (64) about the use of Article 4 being limited to protecting local amenity or wellbeing. This might usefully be extended to include supporting economic development in line with adopted LDF policies.

4a, 4b Separate guidance

28. **Good Practice Guidance:** We understand and generally welcome the search for brevity in the Framework. However, PPSs and PPGs included quite a lot of useful policy that was used daily in decision-making. If they are not provided in some form there will be a policy vacuum and we are likely to see either the gradual and piecemeal re-introduction of these generic policies into individual development plans, or policy being built up through the emergence of a body of (potentially inconsistent) appeal decisions. This would be a retrograde step. This point should be borne in mind, particularly if there were pressure to reduce the length of the final Framework further. One way of addressing at least part of this issue would be to signpost areas where good practice guidance would be of value (we have identified a number in this response). We also need to establish a proper process for its production (e.g. working jointly and cross-sector, consulted with the community, with a method for self-accreditation and regular review) and guidance on its status. As we have indicated at various points in this submission, the Society would be happy to play an active role and engage with others, in the preparation of any such guidance.

29. **Viability:** (39 – 41) Whilst it is not a matter for the Framework itself, local authorities will need to develop a more sophisticated approach to establishing how the "acceptable returns" referred to in paragraph (39) are to be evaluated. More particularly, authorities will need to know how they are to be anticipated in a plan which may span a number of economic cycles, with corresponding variations in what might constitute "acceptable".

30. **Tests of soundness:** (48) In general we welcome the sentiment behind the additional test of soundness (that a plan should be "positively prepared") even if the practicalities of testing it could prove challenging. In particular, the requirement for authorities to cover unmet requirements from their neighbouring authorities seems to suggest that the neighbour's plan (and its unmet requirements) would need to have

been identified beforehand. How will an authority deal with a situation where its emerging plan identifies needs which cannot be met within their own area, but where all its neighbours already have recently-adopted plans that take no account of them? This whole area of inter-authority cooperation is one that would benefit from some complementary good practice guidance and the Society would be happy to assist in its preparation.

31. As to what specific good practice guidance will be needed (other than the specific matters identified in this evidence) our suggestion is that, once we have seen the Framework in its final form, the Government and other key stakeholders get together to agree what else is needed, what the priorities are and a demarcation of responsibilities for providing it.

5a, 5b Business and economic development

32. **Employment land:** There is a potential conflict between paragraph (24), which seems to encourage the making of long-term designations of land and (75), which seems to discourage it in the case of employment land. All other considerations aside, infrastructure providers welcome the certainty of firm designations of land which give them the confidence to invest. Local supplies of employment land can be vital to the development of small- and medium-sized businesses, and in providing local (and sustainably-accessed) employment. In many cases they are already under pressure from other, higher-value, land uses, and the weakening of their protection in the NPPF seems likely to exacerbate this trend. What we think paragraph 75 is (or should be) saying is that local authorities should not slavishly continue to protect historic allocations of employment land in situations where there is no evidence of it ever being taken up, but where there is evidence of a demand for some other use of it which would be appropriate.

5c Market signals

33. **Market signals and long-term planning:** (19) Whilst it would clearly be inappropriate for a plan wilfully to ignore market signals, one of the responsibilities of the planning system is to look beyond the immediate present. A fifteen-year plan will span a number of economic cycles. It may therefore be appropriate to qualify the third bullet point in (19) to say "…to take into account local circumstances and market signals…**particularly where these are indicative of longer-term issues for the local community".**

34. The fourth bullet point in (19) is not clear as to its intention.

6a, 6b Town centre policies

35. A policy of concentrating employment uses as far as possible in the town centre will have the advantage of underpinning the retail offer and supporting public transport.

7a, 7b Transport policies

36. **Transport:** The objectives of transport policy (84) miss the social objective of transport policy, of giving people access to essential services. A policy of "encouraging sustainable transport methods where practical" feels a very weak policy steer – "aimed for" might be a better form of words.

8a, 8b Communications infrastructure

37. Local authorities should be encouraged to be more pro-active in working with infrastructure providers to identify and address communications blackspots. Do the local authority have any responsibility for assessing the self-certification, or are they always expected to accept it at face value? Is the reference in (98) to an international commission referring to the ICNIRP?

9a, 9b Minerals

38. **Minerals planning**: (21, 32 and 100-106). Our specialist minerals planning colleagues will be commenting separately on this part of the Framework. Neverthess there are some critical points that need stressing. It would be useful if policy points specific to the broad mineral classes: construction (including aggregates), industrial and energy minerals were separated. They are muddled together at the moment. With regard to aggregates, the NPPF needs to confirm the managed aggregate supply system (MASS) and the principles for its operation. The application of the mineral supply hierarchy of recycled materials and marine-dredged aggregate before primary extraction is an important principle that should be carried over from MPS1. This section refers throughout to "local planning authorities". In two-tier local government areas, the local planning authority (for most purposes) and the minerals planning authority are not one and the same. Use of the term "minerals planning authority" in this section may help avoid confusion. Moreover, the addition of the sentence "Similarly mineral planning and waste planning authorities should produce minerals and waste plans" after the first sentence in (21) would clarify the components of the development plan.

10a, 10b Housing

39. **Housing requirements:** The housing requirements section (28) appears to be internally contradictory. On the one hand it talks of the plan (though the SHMA) catering for the needs of the "local population". In the very next line, it talks of the plan also having regard to needs arising from migration. It is of particular concern to us to know how plans are supposed to have regard to migration in the absence of any strategic guidance on the subject. The only basis we can see for doing it is by assuming a perpetuation of past trends in migration, which would not provide a basis for promoting new directions of growth where these are needed. Nor is it in our view realistic to expect groups of local authorities, even acting on the duty to cooperate, to come up with major proposals on the scale of new or expanded towns, if these are needed. The paragraph also alternates between meeting housing **need** and housing **demand**. We would strongly oppose any model based on meeting demand. In large parts of the South East (and elsewhere) demand far exceeds anything that, with the best will in the world, could reasonably be delivered.

40. The Framework generally needs to be clearer about what it means by meeting the full housing requirement (109) since, with the revocation of regional strategies, each planning authority will have to establish the requirement for itself. The first of the bottom four bullet points on page 30 talks of meeting the full requirements for market **and affordable** housing. In many parts of the south of England, even if the authority's full housing allocation could be delivered as affordable, it would not be possible to meet forecast demand for such accommodation. For many such authorities, fully meeting that demand would be economically undeliverable and environmentally unacceptable. It may be better to speak of meeting affordable housing need as being what authorities should aspire to, subject to local circumstances.

41. The Society strongly supports the reference in (112) to allowing the inclusion of an element of market housing on rural exception sites.

42. The final bullet point on page 30 (109) refers to “the rolling 5-year supply”. It is not at all clear what is meant by this in the context, since exclusion of windfalls from the 10 year supply will automatically exclude them from the 5-year supply. Moreover, the reference to a rolling supply does not appear in PPS3, so if this is new policy it should be made clear as to its purpose. The very idea of a five-year supply is in our view questionable since, in some areas, developers simply will not come forward with applications on designated sites, leaving the local authority without a five-year supply and vulnerable to appeals on demonstrably less suitable sites.

43. **Housing provision:** The practitioners’ group draft Framework included a requirement for planning authorities to make provision for an extra 20% above its housing allocation, to provide “choice and competition”. This was over and above the additional provision that would come from windfall sites, which local authorities were not allowed to take into account in their calculations, and which for many authorities has historically represented a large proportion of their provision. The current draft (at 109) compounds this by changing the policy to **at least 20%**. This seemed to many of our members to be less a question of providing choice, and more a means of increasing authorities’ housing allocations by stealth. It also raises questions about how one applies an **at least** policy, and how it differs from the straightforward 20% extra requirement, set out in the practitioners’ group draft, given that there is already general encouragement elsewhere in the Framework for levels of development to exceed guidelines. However, DCLG has subsequently given us a different interpretation of this part of the Framework. Our understanding is now that this is less about identifying more sites than evidence of housing need would require, and more about putting a contingency in place, in the event that part of the identified allocation fails to come forward. Of course, assessments of land supply already take into account the likelihood of some allocated and/or granted permission not actually being developed. Nevertheless we have set out below our current understanding of this part of the Framework (109) which, if correct, may be a less ambiguous way of wording it:

…local planning authorities should:…

- *Use an evidence base…etc;*
- *identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;*
- *identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15;*
- *recognising that sites do not invariably come forward as planned, part of the provision for years 6-10 should be identified as being capable of being brought forward into the first five-year tranche, in the event that part of that tranche proves to be undeliverable. This portion should be equivalent to at least 20% of the planned provision for years 1-5;…etc.*

44. More generally, there seems to be an unwritten assumption that planning represents a foolproof tap for turning housing supply on and off. It ignores the fact that, in some parts of the country, local authorities have already granted consents amounting to 20% above identified needs. If housing is not being delivered in these areas, the problem does not lie at the door of the planning authority. In addition to considering past trends and forecast need based partly on those past trends, housing supply needs also to focus on the deliverability of different levels of housing and the sustainability of continuing past trends (for example, will a particular continued level

of housing growth be compatible with forecasts of employment growth or the realistic capacity of the infrastructure?) Planning for forecast need, irrespective of its deliverability or sustainability, could lead to the allocation of far more land than can actually be developed, with the attendant risks of sporadic development or blight. The government needs to look holistically at the factors that affect the deliverability of development, and consider the range of policy instruments at its disposal to address them all.

11a, 11b Planning for schools

45. We welcome the Government's decision not to pursue the idea of taking large parts of school-related development out of planning control.

12a, 12b Design

46. **Design:** The section on design (114 – 123) seems to be devoted almost entirely to aesthetic matters. At least some reference should be made to its impact on sustainability. We would also have thought that design merited at least some reference in the core planning principles.

47. **Innovative design:** The proposal (at 121) to encourage innovative design seems highly subjective and likely to give rise to endless disputes and appeals. We are not convinced that good innovative design (even if it can be satisfactorily defined and agreed upon by all concerned) should automatically be allowed to override other legitimate policy reasons (possibly including policy enshrined in the Framework itself) for example for not building housing in a particular location. We doubt whether this policy will be at all helpful in sorting out good from bad or mediocre design. This is surely an area where communities need to be trusted and the principle of localism applied?

13a, 13b Green Belt

48. The **Green Belt policy** (133 – 147) appears simply to perpetuate existing policy. As originally conceived over half a century ago, Green Belt was only half of a policy, the other half of which was the series of new and expanded towns that were to be developed outside of the Green Belt to relieve development pressure inside it. Now that those towns have been largely built out, it seems an appropriate time to look at the continued operation of the remaining half of the policy. We have for years been promised a review of that policy, and this may be seen as a lost opportunity (albeit recognising the difficult issues such a review might raise). This should not be taken as the Society advocating a wholesale retreat from Green Belt, but rather as an opportunity to refresh the rationale for and operation of Green Belt, in a situation where circumstances are markedly different from those in place when it was originally introduced.

49. One section (145) sets out a list of development *'not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.'* The last bullet point refers to development brought forward under a Community Right to Build Order. This suggests to some of our members that such Orders will override Green Belt policy. However, another section (50) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. It would be useful to clarify precedence in this matter.

50. A number of our members believed that there was an inconsistency between the Framework policy for Green Belt and the draft PPS for traveller sites, leaving it unclear as to whether or not traveller sites can be allowed exceptionally within the Green Belt. They suggested the inclusion of a new paragraph between (138) and (139) along the following lines:
"Once the general extent of a Green Belt has been approved it should only be altered in exceptional circumstances and only after the local authority has fully considered opportunities for development within the urban areas contained by and beyond the Green Belt".

14a, 14b Climate change, flooding and coastal change

51. For climate change, the NPPF focuses almost solely on use of energy/DE/ renewable energy and flood risk. We suggest adding one or two points to this section (148 – 162) and the related one on design.

52. Objectives**:** The Planning system should recognise the cross-cutting nature of climate change impacts on areas such as biodiversity, open space provision, water use, physical infrastructure, transport, use of materials (embedded energy), and health and well-being.

53. It should recognise the importance of good design in mitigating and adapting to climate change - not just location and layout. For climate change adaptation, it should not just focus on flood risk. It should mention heat island effect, especially in urban areas, and include in the objectives measures for "cooling" - both for buildings and also for the public realm. To support these points, in the Design section, it should state that local planning authorities should ensure that development takes into account sustainable design and construction. In paragraph (151) reference is made to "well-designed buildings" which may nonetheless be incompatible with an existing townscape. In our submission, a building which is well-designed would by definition not cause harm to its surroundings.

54. The climate change section should also make reference to the need for local authorities to have policies in place to enable Allowable Solutions requirements to be dedicated to locally defined projects. As we understand the recommendations of the Zero Carbon Hub, Allowable Solutions are likely to be required for all housing developments to achieve zero carbon after 2016, and for all commercial development after 2019. Zero carbon will not necessarily be achievable within the building fabric or the site so off-site solutions will be required. If authorities do not have their own AS policies it is most probable that developers will pay the necessary AS monies into a third party fund which may not work to the benefit of the local area. AS will be payable in addition to CIL.

14c, 14d Renewable energy

55. No comments.

14e, 14f Renewable and low carbon energy

56. No comments.

4g, 14h Flooding and coastal change

57. No comments.

15a, 15b Natural and local environment

58. It may help reassure concerned parties if the Framework were to include at (167) reference to valuing the open countryside, even where undesignated, for its contribution to food production, opportunities for leisure and tourism and for its own sake.

16a, 16b Historic environment

59. We are concerned that the "presumption in favour of the conservation of designated heritage assets" in PPS5 (policy 9.1) appears to have been abandoned, or at least weakened. Heritage assets are a non-renewable resource – one which has not just environmental, but also social and economic significance (witness the importance of the tourism industry, much of which is built around heritage assets, to the national economy). Far from being a planning burden, heritage assets can become an instrument for economic recovery. During a previous recession, U.S. President Reagan introduced financial incentives for the restoration of historic buildings as a means of kick-starting the construction industry, and their scheme has remained in place ever since. The historic environment is also another area where good practice guidance will be needed to complement the Framework.

17a Impact assessment

60. We have a general concern, relating to the perception of the impact that planning has. Whilst you would expect the Society to regard the planning system as important, it is possible to over-emphasise its impact (and, in particular, any negative effects it is claimed to have on the economy). A Parliamentary Select Committee was set up in 2003, in response to claims by the CBI, during scrutiny of the earlier planning green paper, that the planning system was a major impediment to business. (The CBI's claims, made in oral evidence, were unsubstantiated, and the committee looking at the planning green paper described them as based on "anecdote and prejudice.") The Select Committee's conclusion was as follows:

"Claims that planning damages the nation's competitiveness seem to have been made without evidence. The evidence that we have received suggests that businesses generally support the planning system and seek a number of changes in implementation, which do not necessarily require legislation. The best local authorities already run their planning departments in proactive, responsive ways and if the resources are put into place, such approaches can be adopted by others."

61. As part of their work, the Committee commissioned Roger Tym and Partners to undertake a literature review. This concluded that *"There is no evidence that planning is a significant explanatory factor for the UK's low productivity compared to its main competitors."*

Other detailed points

62. **Waste policy framework:** We look forward (7) to a separate opportunity to comment on the waste policy framework when it emerges. The footnote to paragraph 7 says "the Waste Planning Policy Statement will remain in place until the National Waste Management Plan is **published"**. Should this not read "…until it is **adopted**"? Otherwise, surely we risk a policy hiatus? Nevertheless, we are disappointed that waste has been separated from the NPPF. We have always advocated the close association of waste development with the planning of energy, minerals and other

infrastructure. Placing waste planning in another document seems a retrograde step. Furthermore, there are many parts of PPS10, such as the locational requirements of waste facilities, including the Green Belt issue, as well as the need for Technical Advisory Bodies, which could easily be transposed into the NPPF.

63. **Presentation:** It would be useful for the Framework to include a specific list of the Government guidance which it supersedes. This currently appears in the consultation document but not in the framework itself. It would also be useful for the final version to have an index. Even with a document as relatively concise as this one, it can sometimes be time-consuming to track down what it has to say in relation to a particular topic.

64. **Previously-developed land:** We could find no reference to the importance (or otherwise) of bringing previously developed land (PDL) back into use. Whilst we are not arguing for a return to previous policies, of PDL first or targets, we believe some acknowledgement of its importance in minimising the loss of Greenfield land would be appropriate. (In this connection, CIL creates a possibly unintended incentive for authorities to favour Greenfield development over the redevelopment of existing outworn properties).

65. **Regeneration:** The Framework seems to equate development with new growth, and little or no reference appears to be made to regeneration. In many parts of the country regeneration will be no less important than new growth and the Framework should give some acknowledgement of this.

66. **Countryside:** There is little or no reference in the framework to the countryside. This, along with the removal of residential density targets and the lack of a policy on previously-developed land, has given rise to concerns that non-designated countryside is generally being seen as fair game for development.

67. **Marine planning:** Some of our coastal authority colleagues felt the Framework ought to recognise the relationship and links between land and terrestrial planning and the emerging importance of Marine Management Plans in coastal development and strategic planning in areas such as renewable energy. By way of an example, the promotion of offshore renewables has ‘back office’ implications for the land-based planning system by way of cable route landfalls; maintenance facilities onshore transformer stations and links to the national grid.

68. Members have raised concerns with us about current Local Plan policies which are, in effect, a local application of principles set out in PPSs. One example we have been quoted was in relation to a local policy on the functional and financial tests for agricultural workers' dwellings, which was underpinned by PPS7. Up to now, the local policy has been able to draw upon the additional authority of that PPS. Inevitably, the NPPF will not address the issues in the same level of detail they got in the PPS. With the demise of the PPS, our members' concern is that applicants and appellants will say that the local policy is no more than a re-statement of the PPS, which no longer exists and, given that the NPPF is silent on the matter, the local policy does not comply with national guidance and can be disregarded. In such circumstances, the options open to planning authorities might include:
* incorporating the "lost" PPS policies into their emerging core strategies;
* capturing them as SPD; or
* replacing "non-compliant" core strategies.
None of these could be done immediately, or at no cost (something which does not appear to be covered in the Impact Assessment). The Government should consider

possible transitional arrangements that would at least give authorities time to respond to the new situation without a policy vacuum emerging.

69. Consideration should be given to including a glossary of terms used in the Framework and their meaning, to avoid time-wasting repeated debates about definitions. To take just one example, what constitutes a 'rural worker' (113)?

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