

CABINET

12 October 2011

DRAFT NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION

REPORT OF HEAD OF STRATEGIC PLANNING AND HEAD OF PLANNING
MANAGEMENT

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

In July, the Government published the consultation draft of the National Planning Policy Framework (NPPF). The NPPF is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document in response to the Government's commitment to reduce the amount of central guidance.

The NPPF is expressed as a consolidated set of priorities to be taken into account both when preparing local planning policy and in the decision making process, structured on the basis of :-

- Planning for prosperity (an economic role)
- Planning for people (a social role)
- Planning for places (an environmental role)

The overriding theme throughout the document is the presumption in favour of sustainable development – illustrating the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth.

Whilst to some extent the brevity of the draft NPPF is refreshing, there are some matters that have been removed in their entirety such as references to enforcement

and guidance on listed buildings. The lack of detail also raises the question of consistency of interpretation and whether it is expected that 'local plans' will be required to provide more detail than previously envisaged. In the short term it is anticipated that there could be an increase in appeal activity until the guidance is clarified.

There are a number of changes that the Council wishes to comment on or object to, these relate to issues where the intended outcome is unclear or the rationale questionable and include :-

- lack of any reference to specialist matters such as pollution control, noise issues, enforcement, specialist rural housing and listed buildings;
- requirement for the local plan to meet the unmet development and infrastructure requirements of neighbouring authorities
- removal of reference to 'brownfield' land
- focus on urban areas with only passing reference to rural matters;
- removal of policy protection to retain employment land
- requirement to provide an additional 20% of specific deliverable sites within a 5 year housing supply to allow for choice and competition
- concern that the status of Local Green Spaces equates to Green Belts which have a special status in planning law
- removal of the concept of rural exception sites to specifically promote affordable housing for local people
- lack of a clear definition of sustainable development
- lack of guidance in relation to permitting isolated houses in the countryside

This draft guidance has been subject of much interest nationally, at present there is no indication as to how the Government intends to deal with the consultation responses, although it has indicated that it wishes to adopt the NPPF by the end of 2011.

Closing date for the consultation is 17 October and the matters raised in this report will be forwarded to the relevant section of DCLG.

If any Members have any points to raise on the draft NPPF that are not covered by this report, they are requested to advise Officers in advance of the Cabinet meeting in order that their comments can be addressed fully.

RECOMMENDATIONS:

1. That in response to the draft National Planning Policy Framework the Council objects to the following matters as detailed in the attached report :-
 - The need to prepare a 'local plan' which includes the unmet development and infrastructure requirements from neighbouring authorities;
 - lack of any reference or guidance relating to technical and detailed matters such as pollution control, noise issues, enforcement, specialised rural housing (rural workers accommodations) and listed buildings. It is recommended that the NPPF be underpinned by more specific guidance in these more specialised areas;
 - Removal of references to brownfield land
 - Removal of policy protection to retain employment land and floorspace
 - focus on urban areas with only passing reference to rural matters; .
 - requirement to provide an additional 20% of specific deliverable sites within a 5 year housing supply to allow for choice and competition;
 - removal of the concept of rural exception sites to specifically promote affordable housing for local people;
 - lack of a clear definition of sustainable development ;
 - lack of clarity as to the role and status of 'local green space';
 - lack of guidance in relation to permitting isolated houses in the countryside.
2. That delegated authority be given to the Head of Strategic Planning to respond to the Department of Communities and Local Government (DCLG) consultation accordingly by 17 October 2011.

CABINET

12 OCTOBER 2011

DRAFT NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION

DETAIL:

1 Introduction

- 1.1 In July, the Government published the consultation draft of the National Planning Policy Framework (NPPF), together with its associated Impact Assessment and consultation form.
- 1.2 The NPPF is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. This is in response to the Government's commitment in the Coalition Agreement to reducing the amount of central guidance on the basis that the planning system has become unwieldy and complex, causing difficulties for both experts and communities to interpret planning policy.
- 1.3 The NPPF is expressed as a consolidated set of priorities to be taken into account both when preparing local planning policy and in the decision making process. The intention is that these important principles will help communities enjoy a better quality of life, both now and in the future. A key change from the raft of previous guidance is that the draft Framework sets national policies and rules only where the Government considers it is necessary to do so.
- 1.4 The consultation period closes on 17 October 2011, the full draft framework can be downloaded/viewed on DCLG website at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>.
- 1.5 The consultation document is accompanied by an Impact Assessment : <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf>; consultation questions and criteria <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951747.pdf> and media summary (<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951846.pdf>) which provides a useful summary of the key elements of the framework and is Appended in full to this report.
- 1.6 A number of the key elements stated in the framework reflect ideas that have been trailed in earlier Government publications such as the 'Planning for Growth' document (late 2010), which stated that local planning authorities should :-

- a) Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;
 - b) Approve development proposals that accord with statutory plans without delay; and
 - c) Grant planning permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.
- 1.7 There has been much debate about the draft NPPF in the national press and professional media, particularly as to the weight to be given to it pending its approval. To this extent the Planning Inspectorate has specifically published advice to its Inspectors, which states that the draft NPPF is capable of being a material consideration, although the weight given to it will be a matter for the decision maker in each particular case. They confirm that current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

2 Key Changes

- 2.1 Presumption in favour of sustainable development – this forms a central part of the Government's approach to planning policy and is reinforced throughout the document. Its key message is the need to plan positively so that both plan-making and development management are proactive and do not create barriers to growth.
- 2.2 Removing office development from 'Town Centre First' policy – current town centre policy includes retail, leisure and office development, by removing office the objective is to free this type of development from the town centre first approach and for proposals to be judged on their merits. Currently the time limit for assessing the impacts of unplanned retail and leisure schemes on the edge/out of centre schemes is set at 5 years, this is considered too short to allow for the full impacts to be assessed. Consequently it is proposed that the time limit is extended to 10 years, this provides sufficient time for the permission to be granted and implemented and the development to realise its full potential impacts on town centre vitality and viability.
- 2.3 Removing maximum non-residential car parking standards for major developments – current policy is considered too centralised and removing such prescriptive limits allows local authorities to set their own requirements which reflect local circumstances and are most appropriate to their own communities.
- 2.4 Removing the brownfield target for housing development - such a target was established in 1995 and the current Government wishes to move away from a prescriptive designation of land towards a concept of 'developable' land where local areas decide the most suitable locations for housing growth based on local circumstances.

- 2.5 Requiring local councils to identify an additional 20% of deliverable sites against their five year housing requirement - the Government's policy is that there is choice and competition in the land market to facilitate the delivery of homes on the ground. This will require Councils to identify additional 'deliverable' sites. Therefore, in the first five years councils should identify sites to meet 120% of their annual housing requirement. This is not land over and above the local authorities housing target or 15 year supply but a frontloading of supply i.e the trajectory changes but not the overall supply.
- 2.6 Remove the national minimum site size threshold for requiring affordable housing to be delivered – currently the threshold is 15 dwellings, the removal of this will allow councils to set their own thresholds if deemed necessary and will provide flexibility to seek optimum solutions for local areas.
- 2.7 Removing rural exception sites policy – currently Councils can allocate or permit sites for affordable housing in perpetuity for local people in small rural communities where housing would not normally be considered appropriate. Such sites seek to address specific local housing needs by accommodating residents with family or employment connections. The Government considers that this rigid requirement for sites to only provide affordable housing limits local Council's options for meeting a full range of housing needs. This change will provide greater flexibility for Councils to set their own approach, including allowing for an element of market housing where this would facilitate significant affordable to meet local requirements. This change is qualified by acknowledging that rural housing that is distant from local services should not be allowed.
- 2.8 Protecting community facilities- this change requires Councils to consider the availability and viability of community facilities as part of the plan making process to develop policies to safeguard against unnecessary loss. The intention is that this policy applies to all community facilities not just those in existing settlements. The policy will still not be able to prevent unviable businesses from closing, but the intention is that it will initiate innovation and diversification to maintain viability. This will require Councils to have an understanding of the availability and viability of facilities in their area.
- 2.9 Green infrastructure – this promotes the positive planning for the creation, protection, enhancement and management of green infrastructure, in order to secure more and a greater coherence of strategic networks. This will also help support the natural environment as well as providing green space for local communities.
- 2.10 Green space designation – this is the introduction of a new protection for locally important green space that is not currently protected. This will give greater discretion and decision making powers to local councils to reflect that some land is particularly valued by communities and requires protection, subject to criteria about the type of land that can be designated.
- 2.11 Clarification on which wildlife sites should be given the same protection as European sites - The Habitat Regulations apply very specific provisions and

Councils must have regard to the Directive in both plan and decision making. As a matter of policy in the past the Government has chosen to apply the Directive to both Ramsar sites and Special Protection Areas even though these are not European sites as a matter of law. Therefore, to ensure that the Habitats Directive, the Birds Directive and the Ramsar Convention are fully met the Government is proposing to clarify the provisions which apply. This will provide certainty for both Councils and developers in understanding about the protection of biodiversity.

- 2.12 Decentralised energy targets – the changes remove the requirement for local councils to set council wide decentralised energy targets. If councils wish to set their own targets they can, provided in their implementation they do not make development unviable.
- 2.13 Proactive approach to identifying opportunities for renewable and low carbon energy – this requires councils to identify suitable areas for renewable and low carbon energy sources and supporting infrastructure where this would help secure the development of such sources. This will require councils to map such opportunity areas to provide certainty. Where proposals come forward outside these areas developers will be required to demonstrate that the proposed location meets the criteria used in plan making.
- 2.14 Historic environment – the heritage section incorporates and streamlines existing policies in existing PPS5, although some have been omitted from the heritage section and incorporated in other sections of the framework. The framework does not alter or create new policies on the historic environment.
- 2.15 The following sections of this report examine the implications of the framework for both planning policy and development management, whilst setting out those key areas that the Council may wish to submit objections to.

3 General comments on the Framework

- 3.1 In summary, the new framework streamlines and removes all the detail of many policies, but does not seek to fundamentally change the principles of current planning policy.
- 3.2 A key requirement that the Government is seeking to address is that the changes will make the system easier for local communities to understand and engage in, and more flexible for councils to promote growth and meet the aspirations of local communities. However, removing such detail will have implications for both local policy and decision making, particularly in the short term whilst the new system is bedding down, there will potentially be appeals and court cases to clarify the intentions of the framework causing further delay.
- 3.3 In addition, it may be necessary for our emerging policies being developed through the Local Development Framework to include more detail rather than less, to fill gaps now created. A further risk of such succinct guidance is the

desire for other government departments, statutory agencies and interested parties to produce their own guidance where they feel there is either a gap in advice or a need for clarification.

- 3.4 Currently the framework excludes any reference to Gypsies and Travellers, consultation on this has been undertaken separately. The Council has commented on this - PHD 352 refers :
<http://www.winchester.gov.uk/Documents/Committees/PortfolioDecisions/201112/Final/PHD352.pdf>. The intention is that once finalised this guidance will be 'slotted' into the NPPF.
- 3.5 Whilst the volume of guidance is significantly reduced and there are separate sections on Plan Making, which refer purely to procedural issues, the remainder of the document (supposedly relating to Development Management) requires the reader to assess all of it as there are numerous references throughout to both local plans and decision making, with little distinction of which statements apply to which procedures. This needs to be clarified to ensure that the requirements of the framework are applied and implemented as intended.
- 3.6 The document fails to raise awareness of simultaneous consultations that are in progress. DCLG also published in July revised draft Local Planning Regulations
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/localplansconsultation.pdf>, which sets out revised procedures for producing development plan documents under the local development framework. There is no reference in the Framework to this process and its proposed amendments, and to understand all the consequences of both consultations it is necessary for these to be read together. This is of particular relevance with the introduction of the Duty to Co-operate – the framework includes this as part of the soundness considerations for LDF documents yet it is the revised regulations which specifically express the bodies prescribed for this purpose.

4 Implications for the Local Development Framework (LDF)

- 4.1 A key change is the emphasis on sustainable development and a presumption in favour of granting permission where local policy is silent or absent. The Council has been preparing its Core Strategy under the LDF since 2006, there is now a requirement for this to proceed with some urgency to ensure that strategic policies are in place to guide future development by setting out policies on what will or will not be permitted and where.
- 4.2 The NPPF has a section on Plan Making, which reinforces this message and states that each local planning authority should produce a Local Plan for its area, setting out the spatial implications of economic, social and environmental change. The framework specifically requires planning authorities to include strategic priorities to deliver :-
- a) Housing and economic requirements;
 - b) Provision of retail, leisure and other commercial development;

- c) The provision of infrastructure for transport, minerals, waste, energy, telecoms, water-supply and water quality;
 - d) The provision of health, security, community infrastructure and other local facilities; and
 - e) Climate change mitigation and adaptation, protection and enhancement of the natural and historic environment, including landscape, and where relevant coastal management.
- 4.3 The Council's emerging Core Strategy covers these elements (where relevant to the Winchester District), it also responds to a number of the key changes highlighted in the framework such as the removal of the threshold for affordable housing and the amendments to the approach to rural exception housing. Some elements have indeed already been adopted by the Council as policy aspirations given their local importance and the lack of specific guidance in the adopted Winchester District Local Plan Review (2006).
- 4.4 A further change introduced through the framework (and simultaneous changes to the LDF regulations) are the changes to the LDF terminology used. The Government is keen to return to a system of 'local plans' on the basis that such documents will have been prepared for local communities in consultation with local people and businesses, and reflect local circumstances with locally derived standards and targets. Therefore, the terms 'local development framework', 'core strategy' and 'area action plan' are not included in the NPPF, which refers to Development Plan Documents as a whole as 'local plans'. In addition, the NPPF makes no reference to Annual Monitoring Reports and Local Development Schemes.
- 4.5 On this basis it is appropriate to consider changing the name of the Core Strategy to 'Winchester Local Plan – Part 1'. The benefit of this is that it will illustrate a commitment from the Council to the revised regulations and draft Framework and following development plan documents can be Local Plan – Part 2, 3 etc. This will also ensure that existing and future LDF documents follow emerging revised guidance.
- 4.6 The Plan Making section of the draft Framework also summarises the public examination procedure, which has been amended to include reference to the Duty to Cooperate. The Council has liaised throughout the preparation of the Core Strategy with neighbouring local authorities and the key statutory agencies. Simultaneous changes to the regulations specifically lists those bodies that the Duty to Cooperate applies to and it will be necessary to ensure that the Council is confident that existing communication/liaison with these organisations will have been adequate to meet this obligation.
- 4.7 With regard to the soundness tests, existing advice requires LDF documents to be assessed on the basis of being:
- a) Justified (based on proportionate evidence and be the most appropriate strategy)
 - b) Effective (to be deliverable)

- c) Legally compliant (comply with the LDS and national guidance/advice)
- 4.8 These have been amended so that in addition to justified and effective, plans must be positively prepared and 'seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistently with the presumption in favour of sustainable development.'
- 4.9 The requirement to meet the unmet development requirements from neighbouring authorities raises a number of issues. Whilst this is qualified by the phrase 'where practical to do so', at this time there is no evidence to suggest how strongly this element of the soundness tests will be applied. This Council has undertaken much cross boundary working through the development of joint studies where there are common issues to be explored/resolved and is a partner in PUSH. However local authorities are not likely to be willing to provide for the development requirements of a neighbouring local authority. Therefore, the Council should object to this statement, as it is considered an unreasonable requirement for local unmet needs to be picked up by neighbouring authorities. If this requirement is to remain it is suggested that the phrase 'where practical to do so' is replaced with 'where this has been agreed through close joint working between local authorities'.
- 4.10 Part of the advice on housing policy under the section 'Significantly increasing the supply of housing', there is a requirement to include an additional 20% allowance (of specific deliverable sites) in the first five years of housing supply. The Council should object to this element, as the identification of sites for housing and the maintenance of a rolling supply is a monitoring issue rather than a development target. The guidance is already clear that there should be adequate sites to meet needs and provide choice, and that authorities should maintain a longer-term supply of sites, so this requirement is unnecessary.
- 4.11 The framework contains no references to 'brownfield' land and its current associated target of 60% of all new dwellings to be built on brownfield sites, these have been replaced by the concept of 'developable' land. This is considered by the Council to be a fundamental flaw, the use of 'brownfield' or previously used land is a well understood concept and resulted in such sites being favourably considered for redevelopment. Whilst, removal of the target allows local authorities the discretion to consider how it wishes to deal with the use of brownfield sites, the removal of the term gives the impression that there is no need to even consider such sites.
- 4.12 The framework introduces a new category of 'Local Green Space' to be designated through neighbourhood or local plans. Whilst the Council should welcome this in principle, it should object to the corresponding policy advice which states :- 'local policy for managing development within a Local Green Space should be consistent with policy for Green Belts'. Green Belts have a special status in planning law and were introduced to address specific issues

and include a strong presumption against inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is very much a strategic planning tool and in this respect has a significantly different purpose to Local Green Spaces, which as the draft framework suggests are 'demonstrably special to a local community and holds a particular local significance because of its beauty, historic importance, recreational value, tranquillity or richness of wildlife'.

- 4.13 Other than needing minor drafting changes, the general approach to affordable housing seems reasonable, though additional reference should be made to local housing need. The exception however, is the approach to rural affordable housing provision.
- 4.14 The framework signals the demise of rural exception sites. In the past such sites have been a valuable source of new affordable housing to meet the needs of rural communities. Their loss would be a retrograde step and be likely to be an impediment to rural affordable housing supply. While the framework does promote housing schemes (to reflect local requirements) in rural areas that contain a significant amount of affordable housing the wording of the guidance is ambiguous and is likely to lead to increased hope value to the detriment of affordable housing provision and affordability.
- 4.15 However, the additional flexibility provided by allowing market housing on rural sites may be a way of incentivising land owners to sell land for affordable housing and of cross-subsidising the new development itself, thus creating the potential for additional rural affordable housing. It is debatable whether what is drafted in the framework is capable of delivering the rural housing vision communicated by its companion Impact Assessment. Consequently, the framework should be amended to allow for the retention of rural exception sites, the setting of rural housing targets that reflect local needs (including those for affordable housing) and the allocation of rural housing sites with, other than in exceptional circumstances, the majority of housing on such sites being affordable (a "reverse quota"). It should also provide greater certainty on matters of principle, particularly that of market housing should only exceptionally be permitted and that the proportion permitted should be limited to that necessary to bring forward the affordable housing. This would clearly differentiate this type of site from sites where policies permit housing more generally. Individual planning authorities would then be able to develop more detailed policies to support their local housing strategy within a clearer national policy framework.
- 4.16 Furthermore, the framework indicates that housing in rural areas should not be located in places distant from local services. This represents a narrower view of sustainability, with environmental sustainability being given clear supremacy over, for instance, social sustainability and the benefits new housing can have in supporting informal support networks in remote rural areas, and local economic activity. This is contrary to the approach that has been discussed on a number of occasions in the Cabinet (LDF) Committee, where a much more pragmatic approach has been advocated, and adopted in

practice. The framework should allow for local determination of what is sustainable development in the context of rural housing.

- 4.17 Under the section on planning for prosperity para 75 specifically refers to planning policies avoiding the long term protection of employment land or floorspace. The Council raises concern over the impact of this statement, in that without policy protection there is potential for employment land to be released for other uses - primarily housing. If the Government wishes to seek the economic growth it desires then it will be necessary to ensure that land/sites are available for this to happen and for existing sites to be protected.
- 4.18 Overall the framework is very urban / development focussed with little advice on countryside and rural matters. There are specific brief references to 'support the rural economy' where the guidance advocates taking a positive approach to new development. The issue of rural housing has been mentioned previously. Notwithstanding this, the emphasis on a local approach will provide authorities with the opportunity to develop their own policies to address matters of importance to them. Indeed in addressing the elements highlighted in para 4.2 it will be up to the Council to specify the policy approach to be applied in different parts of the District if deemed necessary.

5 Implications for Development Management

- 5.1 Again the brevity of the draft NPPF is refreshing but there are many matters that have been removed in their entirety. For example, guidance which explains how noise issues, specialised rural housing, enforcement, and listed buildings should be dealt with. Whilst the guidance suggests local issues could be included in local policy this void at national level could result in inconsistencies in approach across the country as councils seek to respond to the withdrawal of national guidance in a number of different ways. There is a real danger that this will create confusion and uncertainty for applicants, interested parties and the Council particularly until local plan policies are adopted which plug the gap left by the deletion of national policies. However this problem could be addressed by creating technical guidance, which relates to specific topics, and would underpin the NPPF whilst still enabling the Government to simply and substantially reduce the volume of national planning policy. Circulars dealing with procedural matters, like appeals and environmental impact assessment, should be retained.
- 5.2 Whilst there is much emphasis on promoting sustainable development, the definition included in the draft NPPF states "*Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs*" – this is taken from The Report of the Brundtland Commission 'Our Common Future' 1987. This is a very broad definition and applying this in a planning context may be difficult.
- 5.3 Sustainable development requires the consideration of the three elements of sustainability to be given equal treatment (economic, social and environment),

to arrive at a balanced decision, yet throughout the document individual elements are given priority, this raises issues of interpretation and consistency and the need to avoid causing material harm if one element is given priority over another. If, as appears to be the case, the document as a whole is intended to indicate what is meant by sustainable development, this matter should be made clearer, particularly as para 54 of the draft NPPF specifically refers to 'attach significant weight to the benefits of economic and housing growth'. The Council raises concern with this statement in that as a minimum it should be qualified to ensure that these matters do not necessarily make a scheme acceptable and that the merits of schemes need to be considered and assessed holistically. Otherwise there is likely to be considerable uncertainty and confusion about what the 'presumption in favour of sustainable development' actually means.

- 5.4 In addition to the housing matters raised in the previous section, the draft NPPF includes a section on 'isolated homes in the countryside' which specifically identifies the special circumstances where it may be appropriate to allow development such as the essential need for a rural worker; development to ensure the future of a building of special architectural or historic interest or the re-use of redundant or disused buildings. These categories are generally accepted as requiring special recognition, however the draft policy also lists within these special circumstances 'the exceptional quality or the innovative nature of the design of the dwelling' and then goes on to specify the need for the design to be 'truly outstanding or innovative; to reflect the highest standards of architecture; significantly enhance its immediate setting and to be sensitive to the defining characteristics of the local area. It is recommended that the Council objects to the inclusion of this element on the basis that it relies on purely subjective criteria and does not even qualify the number of dwellings involved. The policy is therefore open to interpretation which could result in inconsistent application and consideration of the policy, resulting in an increase in houses in isolated locations causing harm to the countryside and contrary to the concept of sustainable development.
- 5.5 The draft NPPF recognises the role transport has to play in facilitating development but also contributing to wider sustainability and health objectives. There is also reference to limiting the impacts of development schemes through the funding of improvements and clearly states that "*development should not be prevented or refused on transport grounds unless the residual impacts of development are severe.*" The implication of this statement suggests that government is expecting the development industry to fund such improvements.

6 Conclusions and Next Steps

- 6.1 The draft NPPF raises a number of issues which would result in a change in emphasis on how both local policy and decision making is undertaken. The removal of much detail of the previous planning policy statements leaves the draft guidance vague and open to interpretation in various respects.

6.2 In summary, the key issues for the District are :-

- lack of any reference to specialist matters such as pollution control, noise issues, enforcement, specialist rural housing and listed buildings;
- requirement for the local plan to meet the unmet development and infrastructure requirements of neighbouring authorities
- removal of reference to 'brownfield' land
- focus on urban areas with only passing reference to rural matters;
- removal of policy protection to retain employment land
- requirement to provide an additional 20% of specific deliverable sites within a 5 year housing supply to allow for choice and competition
- concern that the status of Local Green Spaces equates to Green Belts which have a special status in planning law
- removal of the concept of rural exception sites to specifically promote affordable housing for local people
- lack of a clear definition of sustainable development
- lack of guidance in relation to permitting isolated houses in the countryside

2 Whilst its brevity is to some degree welcomed, the lack of guidance will result in many local variations and potential inconsistencies, leading to debate and delay in both plan making and decision making. Circulars dealing with procedural matters, such as planning appeals and environmental impact assessment should be retained.

6.3 The closing date for comments on the draft framework is 17 October, whilst to date there has been much interest in the detail of the framework there is little indication of how the Government plans to deal with responses to the consultation given its intention to adopt these by the end of 2011 (if possible).

OTHER CONSIDERATIONS:

7 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

7.1 Once finalised the NPPF will form the basis for both plan making and decision making, if there is a void in local policy. The LDF will continue to respond to the priorities and outcomes in the Community Strategy and these in turn will feed into the plan making process so will be embedded in local planning policy.

8 RESOURCE IMPLICATIONS:

- 8.1 Both officers and members will be required to familiarise themselves with both the content and implications of the NPPF once adopted. Due to the succinct expression of the document, there will be a degree of discussion and debate as to its interpretation, this may lead to a requirement for specific legal advice.
- 8.2 The unknown nature of the final outcome of this consultation raises some issues in terms of timing of its implementation vis a vis local planning policy. This has implications for determining planning applications as the guidance is clear that where local policy is absent or silent, etc then there is a presumption in favour of granting permission. This places urgency to proceed with the Core Strategy in the first instance followed by more detailed guidance in further development plan documents.
- 8.3 Following the withdrawal of detailed guidance on a range of issues, in the short term, the Council may be required to defend more appeals which are costly in terms of time and resources. The Council may be more vulnerable to awards of costs against it.

9 RISK MANAGEMENT ISSUES

- 9.1 The lack of detail in the NPPF may require the LDF to become more detailed in the fullness of time, to provide the level of local guidance required, and to avoid potential ambiguity and inconsistency.
- 9.2 As mentioned above, the Council may be required to defend more appeals which are costly in terms of time and resources. This also creates delay in the delivery of much needed development.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix A : NPPF Media Summary

Media summary - Draft National Planning Policy Framework

In order for the planning system to work properly and fairly, it is important for there to be national policies. Over recent years, however, the amount of central direction has increased dramatically: there are now more than 1,000 pages of national planning policy. The system has become unwieldy and complex, so that it is sometimes hard for experts, let alone communities, to interpret the policy.

In the Coalition Agreement, the Government committed to turning this thicket of documents into a clearer, simpler, more coherent framework, easier to understand and easier to put in practice.

A new framework for planning

The Government is launching for consultation the draft National Planning Policy Framework. It streamlines national planning policy into a consolidated set of priorities to consider when planning for and deciding on new development. These important principles will help communities enjoy a better quality of life, both now and in the future.

The draft Framework sets national priorities and rules only where it is necessary to do so. It will help ensure that planning decisions reflect genuine national objectives - such as the need to safeguard the natural environment, combat climate change, and to support sustainable local growth - while allowing for local authorities and communities to produce their own plans, reflecting the distinctive needs and priorities of different parts of the country.

The principle of sustainable development permeates the draft of the new Framework; that the actions we take to meet our needs today must not compromise the ability of future generations to meet their own. And that planning decisions should not only protect, but, wherever possible, enhance biodiversity and improve people's access to our natural heritage.

Below are some of the main points in the draft Framework.

Protecting and enhancing the environment

Green Belt and natural environment

The Framework re-affirms the Government's commitment to maintaining Green Belt protections to prevent urban sprawl, as pledged in the Coalition Agreement. All inappropriate development harmful to Green Belt remains prohibited. Local authorities are encouraged to positively enhance the use of

Green Belt, including by opening up walking routes, and improving biodiversity and damaged landscapes for the enjoyment of all.

The Framework also retains protection for Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations which protect the character of our country's landscape, stop unsustainable urban sprawl and preserve wildlife.

The Framework takes forward the Natural Environment White Paper's aims to improve the quality of the natural environment across England, halt the decline in habitats and species, and strengthen the connection between people and nature.

Green space designation

The Framework sets out a new right for local communities to protect green areas of particular importance to them. They will be able to earmark for special protection local green space land that is important to local life - whether its value is in its natural beauty, its historic resonances, its recreational value, its tranquility or its richness in wildlife. These sites will be planned so they complement and do not undermine investment in homes, jobs and other essential services.

Sustainable transport

The Government is committed to cutting down pollution and congestion through the use of public transport. The Framework makes clear that local authorities should seek to ensure good access to high quality local public transport for new developments, with priority given to cyclists and pedestrians. It encourages decision-makers to provide charging points for electric cars and other low emission vehicles. Wherever possible, key facilities essential to local life such as schools and shops should be within walking distance of most properties.

Biodiversity

A healthy and diverse natural environment is crucial to our sense of wellbeing. The Framework underlines that the planning system should seek not just to protect, but, where possible, to enhance biodiversity – making sure we don't just have isolated pockets of wildlife, but rich and connected green spaces for all kinds of species to thrive. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland.

Noise and light pollution

Noise and light pollution impacts negatively on people's quality of life. The Framework makes clear that planners must seek to avoid noise pollution as a result of new developments, and to protect tranquil areas prized for their

peace and quiet. By encouraging good design, planning decisions should limit the impact of light pollution.

Climate change

The Framework confirms planning's important role in tackling climate change and making the transition to a low carbon economy. Planning can help secure radical reductions in carbon emissions through the appropriate location and layout of new development, support for energy efficiency improvements to existing buildings and backing the delivery of renewable and low carbon energy including community-led initiatives. The framework paves the way for green transport of the future – the electric car- by encouraging decision makers to provide charging points;

We also want planning to ensure new development is future proofed against climate change through getting its location and design right (for example making sure that new housing estates are not at risk of flooding and have good flood storage capacity to reduce flooding elsewhere).

The Framework also meets the Coalition's commitment to preventing unnecessary building in areas of high flood risk.

Access to the coast

The Framework highlights the Government's ambition not only to protect our extraordinary coastline, but also to ensure people have access to it; it states that development should not curtail a continuous signed and managed route around the coast for all to enjoy.

Communications infrastructure

The Framework promotes growth for the telecoms industry, but reiterates that this growth should be sensitive to local areas. The policy supports the industry policy of sharing masts and using existing buildings, and well designed and camouflaged equipment.

Minerals

Minerals are essential to meeting society's needs. The Framework reaffirms the Government's objective of securing an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst limiting any impact on the natural and local environment.

Promoting Sustainable Growth and Prosperity

Sustainable growth

The Framework makes clear that local councils should be positive and proactive in encouraging sustainable growth and addressing barriers to

investment. They should set a clear economic vision and strategy for their area based on understanding of business needs across their areas.

Presumption in favour of sustainable development

The presumption is designed to help turn the planning system round - from one focused on barriers to one that prioritises opportunities. It requires councils to work closely with businesses and communities to plan positively for the needs of each area. And it makes clear that where plans are not in place or up-to-date, development should be allowed unless this would compromise the key principles for sustainability in the Framework, including protecting the Green Belt and Areas of Outstanding Natural Beauty.

The presumption will encourage plan-making by councils and communities, giving them a greater say in how they meet their development needs. It will also give communities, developers and investors greater certainty about the types of applications that are likely to be approved, and will help to speed up the planning process.

Duty to Co-operate

It is important for councils and other public bodies to work together across administrative boundaries to plan for the housing, transport and infrastructure that local people need. For example, if a significant number of people living in one council travel to work in a neighbouring city, then it is self-evident that the two councils should be working together.

For much of the last decade, the Government sought to make councils work together by setting regional strategies, prescribing where and how they should join forces. This Government thinks that this top-down approach was ineffective, and that it is better for councils to work together in ways and in structures that are designed from the bottom up. The Localism Bill will place a new Duty to Co-operate on councils to work together to address planning issues that impact beyond local boundaries. The Framework supports the implementation of the Duty to Co-operate.

Planning for strong, vibrant and healthy communities

Housing

Councils must be ambitious in delivering the much needed new homes that their communities need. Together with incentives for communities to accept growth, the Framework makes clear councils should ensure their Local Plan meets the full demand for market and affordable housing in their areas.

The Framework maintains the expectation that councils should have a rolling five year supply of deliverable sites to meet their housing needs with at least a 20% additional allowance to create competition and choice in the land market.

They should also bring back into use empty homes and buildings wherever possible.

The Framework will remove the Whitehall target specifying the levels of housing development that should take place on previously developed land. It will put decision making power back into the hands of local people, rather than imposed upon by central directives. As has been evident in the debate over 'garden grabbing', the definition of previously developed land has become discredited. In some areas, the cocktail of centrally imposed targets have had perverse outcomes - resulting in imbalances in provision such as between blocks of flats and family homes with gardens.

Town centres

The Government is fully committed to supporting town centres and protecting the local high street. The Framework makes clear that town centres should be recognised by councils as being at the heart of communities. Local authorities should pursue policies that support the viability and vitality of town centres. The Framework maintains the 'town centres first' policy approach which means that retail and leisure development should look for locations in town centres first, and only if suitable sites are not available look for edge of centre and then out of centre sites.

Neighbourhood planning

The Framework supports the implementation of neighbourhood planning - a radical new right being introduced in the Localism Bill. It will allow communities to create their vision of what their area should look like: where new shops, offices or homes should go. Local people will be able to define types of development which will be given planning permission through a Neighbourhood Development Order. If approved by a local referendum, the neighbourhood plan will need to be put into force by the local council.

Historic environment

The framework reaffirms protections for the historic environment and heritage. Development causing substantial harm or loss to an important heritage asset remains prohibited, unless in wholly exceptional circumstances. Similar protections should be given to unofficial sites of archaeological interest if it can be demonstrated they are of substantial significance. Local councils are encouraged to set out how they will protect and improve heritage most at risk through neglect or decay, for the enjoyment for communities now and in the future. They should have up to date evidence about the historic environment in their areas and use it to assess the significance of heritage assets and contribution they make to the environment.

Design

Good design is an essential part of sustainable development. The planning system should promote high quality design for all development - whether

individual buildings or whole estates, municipal facilities or parks, and public or private spaces. Local Plans, including any neighbourhood plans, should set out the quality of development expected for an area, ensuring development that reflects the character and identity of local surrounding areas.

Developers will be expected to work closely with those directly affected by their proposals to evolve design proposals that take account of the views of the community.