

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Northstowe and New Communities Portfolio Holder 20 September 2011
AUTHOR/S: Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

RESPONSE TO CONSULTATION ON THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Purpose

1. To agree the Council's response to the Government's consultation on the draft National Planning Policy Framework.
2. This is not a key decision because it is responding to a consultation. It has not been published in the Forward Plan.

Recommendations

3. That the Portfolio Holder agrees the response to the Government's consultation on the draft national Planning Policy Statement as set out in Appendix A.

Reasons for Recommendations

4. To set out the Council's views on the draft National Planning Policy Framework as it affects South Cambridgeshire and seek revisions to the draft Framework to reflect those concerns before it is published.

Background

5. The National Planning Policy Framework is a key part of the Government's reforms of the planning system. Currently Government planning policy takes the form of Planning Policy Statements, Planning Policy Guidance notes, and planning circulars, which amount to over 1000 pages. The Government has stated its intention to make the planning system less complex and more accessible, and to promote sustainable growth. They propose to replace the existing guidance with a single document.
6. The National Planning Policy Framework will have the same status as the current Government Policy documents. The provisions of the Planning and Compulsory Purchase Act 2004 already cover the status of national planning policy in plan preparation and decision-making. That is to say that local plans, which need to be in conformity with national planning policy, are the main consideration in determining planning applications unless superseded by a more up to date national planning policy document.
7. The draft National Planning Policy Framework, along with an Impact Assessment, was published on 25 July 2011, for a 12 week consultation ending on 17 October 2011. A brief summary of the approach contained in the draft Framework is as follows.

Presumption in Favour of Sustainable Development

8. The Draft NPPF proposes a strong presumption in favour of sustainable development. Local planning authorities should plan positively for new development, and significant weight should be placed on the need to support economic growth through the planning system. Where local plans are not up to date or are not clear on a particular issue, development should be allowed unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the draft framework.

Plan Making

9. The planning system remains 'plan led', with succinct local plans setting out a positive long-term vision for the area, which should be kept up to date. Each Local Planning Authority should produce a local plan for its area. Any additional development plan documents should only be produced where clearly justified, and supplementary planning documents should only be necessary where they help bring forward sustainable development at an accelerated rate.
10. Local plans should plan positively for the development and infrastructure required in the area. They should meet objectively assessed development needs, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
11. Local Plans must be based on adequate, up-to-date, relevant and proportionate evidence, addressing the range of economic, environmental and social issues to be addressed by the plan. They will also be required to demonstrate they have considered cross boundary issues as part of the duty to cooperate. As part of the examination of local plans, Inspectors will be required to assess whether the plan has been prepared in accordance with the duty to cooperate, legal and procedural requirements, and whether it can be considered to be 'sound'. Four tests of soundness are proposed, which reflect the existing three tests but include a new first test. Plans must be:
 - Positively prepared;
 - Justified;
 - Effective;
 - Consistent with national policy.
12. When a Neighbourhood Plan is made, they must be in general conformity with the strategic policies of the Local Plan. Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan.

Development Management

13. In order to deliver sustainable development local planning authorities need to:
 - approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so;
 - attach significant weight to the benefits of economic and housing growth;

- influence development proposals to achieve quality outcomes; and
 - enable the delivery of sustainable development proposals.
14. The document also includes a succinct framework for the following land uses and planning issues structured around the three strands of sustainability. Much of the policy framework draws on the approach and content of existing Planning Policy Statements. However, there are some significant differences. Some of these are set out in the considerations section below. Others are addressed in the proposed response in Appendix A:
- Planning for prosperity
 - Business and economic development
 - Transport
 - Communications infrastructure
 - Minerals
 - Planning for people
 - Housing
 - Design
 - Sustainable communities
 - Green Belt
 - Planning for places
 - Climate change, flooding and coastal change
 - Natural environment
 - Historic environment

Considerations

15. The draft Framework represents a significant change in the approach to national planning policy and will have implications for the Council in performing its planning functions. The Government has sought views on its proposed Framework in the form of a series of questions in a questionnaire. Recommended responses to the consultation are set out in Appendix A. The key issues arising from the draft Framework for this Council are summarised below:

Presumption in favour of sustainable development

16. The general principle of streamlining national planning policy is understood and endorsed as a positive objective. It is important, however, that the resulting document provides an appropriate and sufficiently clear framework for planning. The principle of sustainable development as a cornerstone for planning is well established and is supported, as is the identification of the three aspects of sustainable development as needing to be pursued in an integrated way. However, there is a concern about the balance struck in the draft Framework between the economic role of planning and the social and environmental roles in the proposed presumption in favour of sustainable development.
17. The principle of supporting economic growth is endorsed. However, it is important that this should not be at any cost. The long term success and attractiveness of an area will be affected by the quality of the places created and the quality of the environment within and around them. South Cambridgeshire frequently performs well in quality of life surveys and business surveys and the quality of the built and natural environment are quoted as key reasons why people and businesses come to the area and to undermine that quality would also undermine the economic success.

18. It is disappointing that throughout the draft framework, the planning system is seen as an impediment to growth and its role as enabler and promoter is not properly recognised. The benefits of a plan led system are not fully recognised, and the pro-active role it can have in creating a vision and framework for positive future development to support local needs alongside the value attached locally by communities to their local environment.

Certificate of conformity for existing plans

19. The purpose and status of the proposed certificate of conformity is not clear and depending on the Government's intention, could be significant for this Council, in view of our suite of recently adopted Development Plan Documents. If there is any intention that weight should not be given to these plans if they are not consistent with the National Planning Policy Framework in any way, then this would be of significant concern and could create a policy void while new plans are prepared that accord with the Framework. DPDs have statutory status and are prepared under primary legislation, and the normal approach when new national guidance is published is for a balanced judgement to be made in the context of each planning application taking account of the adopted policy, any more recent national guidance and other material planning considerations. That usual approach is considered appropriate in the context of the Framework. If the certificate of conformity is to be pursued, its function and purpose should be clarified in the Framework in a way that does not undermine recently adopted plans and it should also be made clear that it is a certificate of 'general' conformity as has been the case in its previous use in plan making to demonstrate that a plan is consistent with the regional plan.

Level of detail and implications for Local Plans

20. The Government's approach in streamlining national planning policy is to give greater flexibility at the local level. This may have some benefits. However, many aspects of planning policy are based in sound professional principles that apply equally across the country and the approach to cover those points in national policy was to avoid each Council including very similar policies in their local plans and helping to streamline those. There is a risk that reducing detail in national policy to quite the extent in the draft NPPF will mean that some of the key detail lost from the national framework will need to be included in local plans in order to provide a clear and consistent framework for determining planning applications and give certainty to those seeking planning permission.

Allocate land for additional 20% housing provision

21. The requirement to provide at least 20% extra deliverable sites is not clear and is of concern. Whilst the aim to ensure delivery of housing is understood, it is not clear quite what is being proposed and whether the approach will achieve that objective. It is not clear whether it is intended that an additional allowance of 20% is for the first five year period, which is the bullet it is under, or intended to apply to the full housing target. If it is intended to apply to a rolling 5-year target, how does that take effect after the first 5-year period from the adoption of the plan? Even if the principle was accepted, there is no evidence that increases of 10% or 15% would not be sufficient to meet the objective. It seems to be an arbitrary figure that is likely to be resented by local communities, particularly in the context of the localism agenda. If the allowance is retained, clarification is needed.

22. This approach could result in the same amount of housing being built, but potentially not in the most sustainable locations, particularly at times of weak market conditions when there can often be a significant number of sites with planning permission where developers decide not to build, or to build at a slower rate. An arbitrary increase in the supply of land could also weaken the spatial aspect of Local Plans as developers will be able to concentrate house building on easier sites, which may not be the most sustainable. For example, delivery of large scale strategic sites, including urban extensions and new settlements, tend to have significant infrastructure requirements to allow development to commence, whilst smaller greenfield village sites could come forward more easily and may take up much of market demand at the expense of bringing forward strategic sites. An increase in local land supply will not necessarily lead to increased numbers of housing units being constructed unless the market can support them and housebuilders release them.

Protection of the natural environment

23. The NPPF includes the objective to minimise adverse effects on the local and natural environment in preparing plans to meet development requirements and to allocate land with least environmental or amenity value 'where practical'. The emphasis here, as in a number of places in the Framework, appears to go too far in the direction of supporting development, which could be to the detriment of environmental quality and therefore would not meet the three strands of sustainable development and could ultimately harm the quality of the District which in turn could undermine its economic success.
24. Of particular concern is that there is no reference in the draft Framework to landscape character. The only reference to protecting landscape is for the national designations of National Parks and Areas of Outstanding Natural Beauty. The only reference to enhancing landscapes is in coastal areas. The framework does not address the protection of the countryside for its own sake. Landscape, its character and qualities, and what it can bring to sustainable development, is not mentioned at all. There is also a focus on protected and designated sites. This is a significant concern in a predominantly rural district where the local community lays great store by the environmental quality of the area, for which landscape plays a crucial part.

Relationship with draft Travellers PPS

25. The Council has responded to the consultation on the draft Planning for Travellers PPS, which is of a very different style and includes a greater level of detail than the draft Framework. It is not clear how Government intends that it be incorporated into the Framework. To reflect the style of the NPPF, the planning for travellers policies would require significant shortening. The preference would be for national policy on travellers to be included in the NPPF and not be adopted as a PPS, and for there to be an additional focused consultation on the proposed wording for inclusion in the NPPF. Reflecting SCDC comments, any NPPF policies regarding planning for travellers should include greater flexibility to take account of the difficulties identifying deliverable sites, particularly in areas which have a high level of need, the difficulties in establishing robustly the longer-term need for travellers sites, and the need for cooperation to address need strategically over a wider than district area.

Options

26. This consultation has generated a significant level of interest and many other organisations and bodies will be responding to the consultation. The Council could decide not to respond to the consultation. However, this is a very important document that will have significant implications to the Council in the operation of its planning functions and a response is recommended, particularly focusing on the issues with potentially greatest impact on the Council in its planning function.

Implications

27.	Financial	No direct effects. The emphasis on preparing single local plans is consistent with the Council's planned approach to its LDF review which will have considerable savings.
	Legal	No direct effects, subject to clear national policy for local planning decisions.
	Staffing	None.
	Risk Management	None.
	Equality and Diversity	The Council will undertake Assessments of the plans required to be prepared.
	Equality Impact Assessment completed	No
	Climate Change	The draft Framework includes policy on climate change that will guide local policies and decisions.

Consultations

28. There has been consultation with officers across the service and the Council covering the issues raised in the draft Framework.

Consultation with Children and Young People

29. As a Council response to a Government consultation on a technical and strategic document, it is not appropriate to consult directly with children and young people.

Effect on Strategic Aims

30. The draft Framework has the following effects on the Council's Strategic Aims:
- AIM A - We are committed to being a listening council, providing first class services accessible to all – the draft NPPF provides a broad framework within which the Council can prepared its local plan in consultation with local communities
 - AIM B - we are committed to ensuring that South Cambridgeshire continues to be a safe and healthy place for you and your family – the draft NPPF aims to secure sustainable development that plans for the needs of people and places
 - AIM C - we are committed to making South Cambridgeshire a place in which residents can feel proud to live – as Aim A
 - AIM D - We are committed to assisting provision for local jobs for you and your family – the draft NPPF has economic prosperity at its heart
 - AIM E - We are committed to providing a voice for rural life – as Aim A.

Conclusions / Summary

31. The draft National Planning Policy Framework will have implications for the Council in its planning functions. Whilst the principle of a streamlined approach to national policy is welcomed, there are concerns at the level of detail in some areas and the approach taken on some aspects of planning policy. A proposed response to Government is contained in Appendix A.

Background Papers: the following background papers were used in preparing this report:

Draft National Planning Policy Framework: Department for Communities and Local Government (July 2011)

<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

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