

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott

National Planning Policy Framework

Department for Communities and Local Government

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(a) About you

(i) Your details

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(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

No

Name of group:

(iv) Please tick the *one* box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

(b) Consultation questions

Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

1(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 11: 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 between the economic role of planning and the social and environmental roles.

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.

Paragraph 13: The principle of supporting economic growth is endorsed. However, this must 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.

Paragraph 14: The draft framework says that new development should be planned for positively and all individual proposals approved wherever possible “unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits” (repeated at paragraph 20).

Whilst the principle of planning positively for development is supported, it is important to realise that planning has always been about balancing the benefits and adverse impacts of development. The weight to be given to the adverse impacts of development seems to now be reduced, potentially to the point that unsuitable development could be approved that would have detrimental impacts on the environment and communities over the long term. Whilst the Framework says that local plans should include policies that will guide how the presumption will be applied locally, there is concern that local planning authorities’ ability to refuse such development would be reduced or that refusal could be overturned on appeal. This would not be in keeping with the ideals of the localism agenda.

The statement that permission should be granted where “the plan is absent, silent, indeterminate or where relevant policies are out of date” is of particular concern, especially when read with paragraph 26 relating to the definition of up-to-date plans and the need for a certificate of conformity. There is a concern that a policy vacuum could be created, even in areas with relatively up to date plans. This issue is addressed in full in response to Question 2 on plan making.

Paragraph 19: The 5th bullet says that ‘where practical and consistent with other objectives, allocations of land for development should prefer land of lesser environmental value’. It is accepted that there can occasionally be exceptional circumstances where land of environmental value may be identified for development for wider benefits, however, the emphasis here appears to go too far in the other direction which could be to the detriment of environmental quality.

The core planning principles make no reference to the role of planning for the built environment in relation to adapting to climate change, and indeed the only reference to climate change relates to the encouragement of renewable energy. This does not reflect the significant role that planning has to play in responding to the challenges of climate change and helping to meet national targets for carbon reduction. The Council suggests that an additional bullet point be included as follows:

- “planning policies and decisions should take account of

the need for new development to be planned to adapt to the opportunities and impacts arising from changes in the climate.”

Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

2(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 20: The Framework repeats the statement from the previous section that development needs should be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This emphasis is of concern. See comments under question 1 on sustainable development.

Paragraph 21: The guidance to prepare a single Local Plan for an area is welcomed, along with the clarification that additional DPDs can be prepared but that they should only be used where clearly justified.

The draft NPPF states that Supplementary Planning Documents (SPD) should not be used “to add to the financial burden on development”. SPDs can speed up development by clarifying how the Council will apply development plan policies, providing greater certainty to developers, and a level of detail that would not be appropriate in a local plan. It is not clear how this would add to the financial burden.

Paragraph 26: Whilst the continuation of the plan led system is noted and supported, the lack of clarity in the wording of the Framework in respect of a proposed new certificate of conformity for adopted plans is a cause for concern.

The paragraph states, ‘In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with this Framework, including its presumption in favour of sustainable development. It will be open to local planning authorities to seek a certificate of conformity with the Framework’?

Adopted plans have statutory weight under legislation and it is assumed that will continue to be the case until they are superseded. It is not clear what the purpose of a certificate of conformity is intended to be or how the Government expects it to be used. Is it intended to be a form of ‘quality assurance’ to confirm that existing adopted plans are up to date and broadly consistent with the Framework (maybe highlighting is there are specific areas where it is not), or is it intended to imply that existing plans should have no weight if they are not in conformity with the new Framework.

This is a new use of a certificate of conformity. Their usual function is at the time a new local plan is being prepared to provide evidence for the examination Inspector that a draft plan is in ‘general conformity’ with higher order policies, before a new statutory plan is adopted. The proposed new ‘conformity’ is to identify whether a statutory plan is consistent with new national policy. It is not clear to what extent a plan would need to be in conformity with the Framework to secure such a

statement and what status a statement of conformity is anticipated to have in the planning process compared with a statutory plan. As the draft Framework includes new requirements, eg. an additional 20% housing provision above identified needs, it seems high unlikely that many plans will be able to secure a statement of conformity, even if adopted very recently. This seems at odds with the Government's desire for local planning authorities to have pressed ahead with plan making.

It would be highly undesirable for this approach to render otherwise up to date plans unusable for development management purposes. The issue of more up to date national policy is normally addressed by making an assessment on a case by case basis of a proposal against the statutory plan and any more recent material considerations, including national policy, and a balanced view reached on whether planning permission should be granted. Continuing with this approach would have the advantage of not undermining the status of current statutory plans and the policies contained in them, unless they conflict in a particular respect with the new national framework. Even under circumstances where there is a significant conflict with a particular aspect of national policy, eg. a local planning authority is not able to demonstrate a 5-year supply of housing land, if there is a current adopted LDF that sets a clear development strategy and a sound set of policies for considering development proposals, it would be counter productive to say the LDF was out of date and that relevant policies should not be given full weight in planning decisions. There is also a question of how Government intends to resource assessing existing plans and issuing certificates of conformity and the delay and uncertainty that could build into the process. Depending on the process envisaged, this could in itself have resource implications whilst LPAs should be focusing on creating new Local Plans.

South Cambridgeshire District Council has taken its plan making responsibilities seriously and has a suite of Local Development Framework Documents, all adopted within the last four years. This created a development strategy designed to facilitate significant growth reflecting a strategy developed with partners across the sub region for the period to 2016 and beyond. The Council has already embarked on a review of the plans to role together separate DPDs into a single Local Plan to take the strategy forward to 2031. However, even with an ambitious programme for completing the plan, it is not anticipated that it will be adopted until the end of 2014. It is of significant concern to the Council that the Government's approach could mean the carefully developed growth strategy is undermined, or even lost, creating a policy vacuum.

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 (which is the phrase used at paragraph 50 for neighbourhood plans).

Paragraphs 28 and 30: Whilst the principle of identifying and planning to meet the needs identified for housing and economic development (including retail and leisure) is supported, the draft NPPF makes no recognition that there may be cases where that need cannot appropriately be met where it arises due to significant constraints and in these cases a balance may need to be struck. That could include working through the duty to cooperate to explore provision of part of the need outside the district, or it could mean that need is not fully met, because to do so would threaten the success of existing areas.

It is noted that paragraph 28 refers to local planning authorities catering for 'housing demand and the scale of housing supply necessary to meet this demand'. It is agreed that it is generally appropriate to plan to meet the needs identified in a Strategic Housing Market Assessment, subject to the point made above. It is not clear whether the reference to housing demand is intended to refer to the need identified in the SHMA or whether it is some other assessment. It would be of concern if it were the latter.

Paragraph 39: The emphasis on ensuring that the scale of obligations and policy burdens on development is not such that the ability for sites to be developed viably is threatened is understood. However, this should be balanced with a requirement that all development provides appropriately for its needs. There may be policy areas and aspirations where there can be more flexibility, particularly in times of economic difficulty, but it is important that all development meets all its needs in order to be successful developments over the long term. It would be helpful if this was made clear.

Paragraph 48: The new soundness test that plans have been 'positively prepared' is agreed in principle and is consistent with this Council's approach to planning positively to support the success of the Cambridge economy and to accommodating significant levels of growth, including needs that could not be fully met in adjoining districts, or where the development strategy for the sub region supported a particular spatial approach. Notwithstanding that positive approach in the past, the inclusion of the statement that objectively assessed requirements would include 'unmet requirements from neighbouring authorities where it is practical to do so', is of concern as written. There is no obligation made on the district within which the need is identified to demonstrate that it has

taken all reasonable steps to meet its own needs. This puts an unreasonable emphasis on an authority to have to accommodate unmet needs from an adjoining Council's area even if that Council has not taken all reasonable steps to meet its own needs, and could lead to conflict between Councils, rather than an even handed duty to cooperate engaged in positively by all parties.

The existing soundness test that a plan must be 'Justified' in PPS12 referred to the need for robust and credible evidence base for core strategies (Paragraph 4.36 of PPS12) whilst the second bullet point of the Framework only refers to proportionate evidence (paragraph 48). Whilst the inclusion of proportionate evidence is welcomed in the interests of efficiency and best use of public sector resources, it remains important that the evidence base is also robust and credible if, for example, objectively assessed needs are to be relied on to support particular levels of development.

The final soundness test, requiring consistency with national policy, states that delivery of sustainable development should be in accordance with the 'policies' in the Framework. The draft Framework does not clearly indicate what the policies are in the document and which areas of text are merely supporting text. PPS4 and PPS5 and draft PPS on Planning for traveller sites are examples of recent national guidance produced in this style. If the term 'policies' is to be used in the soundness test, it needs to be clear which parts of the Framework are policies.

Paragraph 50: Neighbourhood plans are required to be in 'general conformity with the strategic policies of the Local Plan'. There is a lack of clarity as to what are the strategic policies that a neighbourhood plan must be in conformity with. For example, if strategic policies set a settlement hierarchy and a scale of development appropriate in different categories of settlement, would it be in general conformity to propose a materially/significantly greater level of development in a neighbourhood plan? Could that development extend into open countryside outside settlement frameworks? What about being in the Green Belt or proposing a change to a Green Belt boundary?

Note: Comments on individual land uses are given under the relevant questions.

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

2(d) Do you have comments? (please begin with relevant paragraph number)

Paragraph 44: The Council supports the principle of cross boundary cooperation, and has demonstrated this successfully through strategic planning and joint plan making.

However, it may not always be possible to reach agreement or consensus on cross boundary issues. It is not clear what approach will be taken where this is the case, for example how it would be addressed through examination of the development plan, particularly where plans may be at different stages of preparation.

Paragraph 48: See also response to question 2 on plan making.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

3(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 62: 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 the Framework to quite the extent in the draft 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.

Whilst the system remains plan led, the NPPF refers only to Local Plans and Neighbourhood plans. There is no specific mention of existing Local Development Framework Documents. As there are no major changes proposed to the Local Development Framework system, albeit a new emphasis on preparing single plans unless there are good reasons to have separate plans, all existing adopted plans will and should remain in place whilst new Local Plans are prepared that respond to the national Framework. South Cambridgeshire District Council has a set of Local Development Framework Documents, all adopted with the last four years. It should therefore be made explicit that the term Local Plans includes existing adopted Development Plan Documents. See also response to question 2, paragraph 26 on certificate of conformity.

Paragraph 70: The draft NPPF states that LPAs should avoid unnecessary conditions or obligations, particularly where this would undermine the viability of development proposals. This could have the unfortunate consequence of valuing development over environmental and social issues that should be addressed through mitigation. The tests for conditions outlined in paragraph 69 already requires that 'they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

4(a) Do you agree

- Strongly agree
- Agree
- Neither agree or Disagree

- Disagree
- Strongly Disagree

4(b) What should any separate guidance cover and who is best placed to provide it?

Whilst simplifying and streamlining national policy guidance is supported, there is a danger that issues for which there is a common approach that is generally accepted across the planning profession that are not addressed at the national level, will need to be addressed at the local level in Local Plans resulting in longer plans.

Local Development Frameworks aim to avoid repeating national guidance in PPS/PPG and have been advised to take this approach. Whilst key issues are now generally addressed at a headline level in the draft Framework, there may be a need for further detail on how policies will be operated and more specific guidance for determining planning applications. As well as requiring each local planning authority to address such issues individually and thereby adding to workloads, this could also create inconsistency between LPA's which actually makes the development process more complex for developers operating across many locations. Some policy areas would therefore benefit from being addressed in further detail.

If guidance is produced by organisations outside government, its status and the weight that should be attached to it would need to be made clear.

Business and economic development

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

The Council strongly supports the role of planning in meeting

the development needs of businesses, and also supporting the rural economy.

Paragraph 75 of the draft framework states that “Planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.’

The Council has raised its concerns regarding proposed amendments to the General Permitted Development Order to allow change of use from employment to residential in response to the recent consultation. The local plan may need to identify areas which should be retained for employment use, for the benefit of achieving the development strategy of the plan, achieving sustainable development and providing certainty to employers and developers. Without it, the ability to identify employment land to deliver jobs in appropriate locations could be undermined, threatening the whole strategy.

Local Plans will be subject to regular review, and this provides an opportunity to consider whether policies or land allocations remain appropriate.

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

Planning can be informed by market signals but they should be considered alongside other evidence. Planning needs to consider wider issues than the market in order to achieve sustainable development to meet local needs over the long term. For example, matters such as demographics and housing need, and the value attached by local communities to factors such as open space, local amenity and the countryside are also relevant. Some market signals can change too quickly to be relevant to plan making, and plans need to address the whole economic cycle.

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

Strongly agree



- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

6(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 76: The continuation of a sequential approach to retail development is supported.

Paragraph 76 also states that, 'It is important that retail and leisure needs are met in full and are not compromised by limited site availability.' As highlighted in our response to question 2, the requirement to plan to meet the needs identified for housing and economic development (including retail and leisure) makes no recognition that there may be cases where that need cannot appropriately be met where it arises due to significant constraints and in these cases a balance may need to be struck.

There is no guidance about how the sequential test or testing will be applied, reducing certainty to LPAs and developers (see question 4)

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

7(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 83: The emphasis on sustainable transport is supported. However, the NPPF seeks to "where practical, encourage" and "where reasonable to do so" which are not considered strong enough phrases to ensure meaningful reductions in greenhouse gas emissions from transport. There

may be circumstances where achieving high levels of transport use in modes other than the car is not possible, such as for small scale development in rural areas, including development that may come forward under neighbourhood plans, but for larger scale development, which would significantly impact on sustainability, the aim must be to achieve sustainable patterns of development and sustainable transport modes and the caveats will make it more difficult to secure this.

Paragraph 85: The requirement for Transport Statements or Assessments to support all developments that generate significant amounts of movement remains sound. However, it also states that “development should not be prevented or refused on transport grounds unless the residual impacts of development are severe”. The term ‘severe’ is not defined. Does this also consider the potential for cumulative impacts?

Paragraph 89: It is disappointing that the list of issues regarding site design does not include cycle parking.

Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

8(b) Do you have comments? (please begin with relevant paragraph number)

Policies regarding Telecommunications continue to seek to keep the number of masts to a minimum, including seeking use of exiting masts and buildings before a new mast could be justified.

PPG8 referred directly to new masts being inappropriate development in the Green Belt, requiring special circumstances, including a lack of alternatives, to outweigh the

harm. That point should be included in the Framework.

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

9(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 101: The draft framework should make reference to the role of Minerals and Waste Planning Authorities, who in many cases carry out this function; not the local planning authority.

Paragraph 102: The 6th bullet point of this paragraph refers to environmental criteria being applied to minerals planning applications to avoid adverse effects on the natural and historic environment and human health. These impacts should also be considered through plan making.

Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

10(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 109 - 1st bullet: The statement that local planning authorities should ensure that their Local Plan 'meets the full requirements for market and affordable housing in the housing market area' is understood and a sound aspiration. In terms of market housing provision, there may be circumstances where it is not possible or appropriate to meet needs in full within a district due to other factors (see response to question 2, paragraphs 28 and 30). In terms of affordable housing, in areas of high house prices and considerable housing need, it is simply not possible to ensure that affordable housing needs are met in full with a reasonable and deliverable affordable housing target. It is not reasonable for the Framework to expect that affordable housing needs can be fully met under the existing system in all parts of the country through the planning system.

Paragraph 109 - 2nd bullet: 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.

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.

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.

Paragraph 109 – 7th bullet: The Council supports the policy of bringing back into use empty homes. However, this is a role for Councils in a broader sense, including its housing functions, than specifically in their role as local planning authority as indicated at the beginning of the paragraph, particularly in terms of compulsory purchase of empty homes.

Paragraph 111 – 3rd bullet: There is no specific reference to including a target for affordable housing in plans. It is assumed that setting policies to meet identified need for affordable housing includes the setting of a target, but clarification would be helpful.

Paragraph 112: There is no reference to exceptions sites for affordable housing, which appears to be replaced by a policy to allow some market housing to facilitate the provision of significant affordable housing to meet local needs. This is assumed to be a replacement for rural exceptions sites. If the intention is that a small amount of market housing could be permitted on sites where housing would not otherwise be permitted to cross fund the maximum amount of affordable housing possible, this should be made clear. This is an approach that Councils have firmly resisted over many years. It is assumed this is being proposed as a means of funding and delivering more affordable housing in rural areas. If pursued, great care will need to be taken that it does not become a means of securing market housing on inappropriate sites with a token amount of affordable housing, or even the normal district target. It is also noted that the definition of local need contained in PPS3 has been lost, that rural exceptions sites 'should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection' (paragraph 30). One of the reasons for the success of the exceptions site policy locally has been that local communities have confidence that development is specifically to provide housing for people

living in that local community. This may affect the support for this type of provision. There is no indication that this might be an acceptable exception to inappropriate development in the Green Belt, which has been an important means of providing affordable housing to address local needs for communities lying in the Green Belt.

The statement that housing in rural areas should not be located in places distant from local services is an important principle in the interests of sustainable development and is welcomed, although it does not get the emphasis it deserves and seems rather an afterthought.

Paragraph 113 – 4th bullet: The inclusion as a special circumstance for isolated homes in the countryside as being where it is of exceptional quality or innovative design would be an extremely difficult policy to apply and could potentially result in a spate of sporadic development in the open countryside

Glossary – Affordable Housing, (page 53): It states that "Eligibility is determined with regard to local incomes and local house prices". This statement is misleading and can be open to interpretation. It is not clear whether it is referring to 'eligibility' of affordable housing or 'eligibility' of households for affordable housing. PPS3 says "Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices." This wording should remain.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

11(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 127: The NPPF should clarify what it means by school in this context. Presumably it is referring to state funded schools, as highlighted by the Secretary of State's policy statement of June 2011, rather than any form of school.

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

12(b) Do you have comments? (please begin with relevant paragraph number)

The Design section seems to effectively capture the essence of good design and the prominence given to 'function' of places is welcome. It seems that much greater emphasis is being placed on ensuring that policies at the local level are robust and comprehensive. 'By Design', along with other 'good practice guidance' is mentioned specifically in PPS1 at Paragraph 37 and similar reference should be made in the Framework.

Paragraph 114: The importance of adaptable places,

previously included in PPS1 has been omitted from Paragraph 114 of the draft framework. The adaptability of buildings is an important consideration to ensure sustainable development can be delivered in the future and accordingly reference should be made to it in the guidance. In addition, specific statements in relation to disabled access previously stated in PPS1 have been removed. Reference to 'inclusive design' needs to be made. Reference needs to be made to the importance of high quality public realm somewhere in the draft guidance, as referred to in PPS3 at Paragraph 16.

Paragraph 116: This paragraph is crucial to the overall design guidance and covers, albeit at a high level, the key areas for design consideration. 3rd bullet should be amended to read: "respond to local context and character to understand the identity of local surroundings." Understanding context is absolutely crucial to effective and appropriate planning and is often an area that proposals fail to understand. Reference should also be made to 'context' and 'public realm' within these bullet points.

Overall, if good 'local' policies are in place then the design guidance provided by this draft framework will complement them well and certainly cuts down the overlap between PPS1 and PPS3. However, authorities without strong policies may well struggle to counter poorly designed schemes. With this in mind, the Council have made a series of suggested text changes to tighten the wording and accordingly the focus of the overall design guidance.

Paragraph 117: The Council notes that the use of design codes is favoured to "deliver high quality outcomes." Design coding is supported. It is not clear whether the draft framework is advocating that the Local Planning Authority produces design codes or the developer. If it is to be the Local Planning Authority, this will be another layer of guidance within the planning process and will impact on resources.

Paragraph 119: The Council proposes the first sentence refers to "architecture of individual and groups of buildings". This would capture more complex schemes, the need to fit development into wider contexts and to highlight the importance of the complexities and interactions between buildings to hopefully capture the spaces between them.

Paragraph 121: Whilst the emphasis on securing high quality designs is welcome, the phrasing of the 2nd sentence suggests that permission should be given for development which is anything other than 'obviously poor design', which would be a low threshold that could allow mediocre projects to be

permitted and is not supported.

Green Belt

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

13(b) Do you have comments? (please begin with relevant paragraph number)

The continuation of Green Belt policy is welcomed.

Paragraph 145: The criteria contained in paragraph 3.8 of PPG2 setting out the circumstances under which the re-use of buildings inside a Green Belt is not inappropriate development would be a useful inclusion.

Paragraph 146: It is not clear what 'wider environmental benefits' will be needed to demonstrate very special circumstances. All renewable energy projects are likely to claim that they have wider environmental benefits.

Paragraph 147: Reference is made to "Community Forest" The term should be defined in the glossary.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |

Strongly Disagree

14(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 148: The approach to tackling climate change as outlined is welcomed. In order to secure the ‘radical reductions in greenhouse gas emissions’ sought it will be important that significant weight is given in plan policies and planning decisions to securing necessary measures in developments, particularly when balanced with other issues and in discussions over development viability.

Paragraph 150: It would be helpful to have clarity over what are considered “nationally described standards”. It is assumed that this refers to the likes of the Code for Sustainable Homes and Building Research Establishment Environmental Assessment Method. It should be noted that no such comprehensive and focused delivery standards yet exist for climate change adaptation measures.

Paragraph 151: The direction of this approach would benefit from being broadened to include retrofit of energy efficiency and renewable energy technologies in relation to designated heritage assets. At present this is an area of considerable debate and one to which the NPPF could provide helpful clarity to achieve an environmentally sustainable balance.

Paragraph 154: The reference to avoiding “increased vulnerability to impacts arising from climate change” is helpful but this is a significantly underdeveloped area in which more specific policy, guidance and standards are urgently required. The NPPF is an opportunity to very firmly place climate change adaptation measures in the land-use planning portfolio. Additional content should be included that specifically references matters such as the avoidance of air conditioning, temperature tolerances, the importance of thermal mass, natural ventilation, shading, cool/reflective surfaces, fenestration, water conservation, subsidence and sustainable drainage systems.

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

Strongly Agree

Agree

- Neither Agree or Disagree
- Disagree
- Strongly Disagree

14(d) Do you have comments? (please begin with relevant paragraph number)

The policy will help deliver renewable or low carbon energy.

Paragraph 152: It is not clear why 'deep geothermal energy' has been specifically referenced. Renewable Energy Strategies should seek to consider all technologies that would be suitable within each Local Planning Authority's area, and should evaluate each on their own merits.

Consideration should also be given to the addition of a bullet point related to the need for safeguarding of renewable and low carbon energy supplies and the avoidance of development that would have a detrimental impact on existing or planned renewable and low carbon energy infrastructure.

The helpful policy position outlined here would benefit from a strong reference to the very positive role that local planning processes can play in engaging communities with the benefits and advantages of renewable and low-carbon energy. Active engagement through these formal and consultative channels is an opportunity that should not be passed over.

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(f) Do you have comments? (please begin with relevant paragraph number)

No further comment.

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

14(h) Do you have comments? (please begin with relevant paragraph number)

Minimise vulnerability to climate change

Paragraph 154: The draft NPPF implies that the only potential impact of climate change, and therefore the only form of mitigation required, is flooding. Other issues are also relevant, including changing temperatures, increased pressure on water supply, and impacts on biodiversity, which all have the potential to be addressed by development proposals. Policy LCF5 of the draft Planning for a Low Carbon Future PPS could provide a useful starting point for this section.

Managing the risk of flooding and coastal change

Paragraphs 154 – 158: The NPPF addresses the key elements of planning and flood risk addressed by PPS25, and the key principles of applying the sequential and exception test. However PPS25 includes a much greater level of detail on how these tests should be applied, differences in their application to different types of development within different flood zones. This guidance is vital in order that a consistent approach managing flood risk is established, and to avoid the need for repetition in local guidance.

Paragraph 157: the wording, ‘gives priority to sustainable drainage systems’ is particularly disappointing given the requirements of the Flood and Water Management Act for their delivery, and the opportunities they present not only manage flood risk but to also create quality environments that will support and encourage economic development and contribute to improving the health and wellbeing.

Paragraph 157: The paragraph should refer to the role of the Environment Agency as a consultee on planning applications.

Natural and local Environment

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

15(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 128: It is noted that the Framework reflects the general requirement of PPG17 to set local standards for open space based on assessments of need. The third sentence of this paragraph refers to planning policies identifying specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreation facilities. However, this will form part of the supporting evidence base for setting local standards, rather than the policy itself.

Paragraphs 130 to 132: The criteria for designation of a 'Local Green Space' (para 131) are unclear e.g. 'reasonably close' to population, 'demonstrably special' to the community, 'local' in character and 'not extensive'. There is also no guidance on what the very special circumstances would be to allow development on a site (para 130). There is reference in paragraph 132 to applying Green Belt policies, but they are very different designations, ie. Green Belts are a strategic designation with a specific spatial function including to prevent urban sprawl and coalescence of settlements, whilst Local Green Space is by definition a local policy and could presumably be within a settlement, adjoining it or detached from it and be an area valued by the local community which could be for a variety of reasons. It is also not clear how the designation would relate to other local designations such as local wildlife sites. It would benefit from further clarification.

Paragraph 165: 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'. As set out in response to question 1 in respect of paragraph 19, the emphasis in a number of places in the Framework appears to go too far in the direction of

development, which could be to the detriment of environmental quality and therefore would not meet the three strands of sustainable development.

Paragraph 166: Further guidance on the criteria for judging proposals affecting protected wildlife sites or landscape areas would be helpful, to avoid the need for repetition at the local level, particularly in respect of international and national sites.

Paragraph 167: There is no reference in the NPPF 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 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. There is also nothing in the draft NPPF about restricting development in the countryside outside settlements. The following paragraph from PPS7 key principle (iv) should be included in the Framework:

“New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.”

Paragraphs 168: This does not reflect the current approach in PPS 9, which at key principle 5vi states, ‘The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests’. The first approach to biodiversity conservation should be to avoid harm. Greater reference should also be made to the opportunity that planning provides to “restore” and “add” to biodiversity. There is no specific mention of the protection of species, which is addressed in paragraph 16 of PPS 9. It is welcomed that policies should identify and map local ecological networks.

Paragraph 169: The Framework should ensure that planning decisions are based on sound information, such as that provided by Local Environmental Records Centres.

Paragraphs 171, 172, 173, 174 and 175: The sections regarding pollution and instability provide a summary of the

existing approach provided by PPS23 and PPG24. However these also include well established practice guidance, providing consistency and certainty regarding how proposals will be tested and judged. Without additional guidance at the national level it will be necessary to provide additional guidance at the local level, which would be inefficient and deliver less certainty.

Historic Environment

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

16(b) Do you have comments? (please begin with relevant paragraph number)

The Framework includes key passages from the recently adopted PPS 5 and there are benefits in the succinct format used. However, much of the structure/rationale of PPS 5 has been lost, along with criteria and tests, guidance such as how historic environment policy objectives should be weighed against other policy objectives, and helpful concepts such as optimum viable use. These issues would need to be addressed in supporting guidance.

Paragraph 178: It is not clear whether the strategy referred to is intended to form part of the Local Plan. This paragraph appears to have lost some of the strength of purpose of HE3.1 of PPS5.

Paragraph 179: It is recognised that conversation areas are designated under other legislation. However, the only paragraph about designation of conservation areas appears a negative statement about ensuring they are justified, rather than a positive statement regarding their role. There is nothing about designations of other heritage assets of local importance.

Paragraph 180: is largely based on HE6.1 of PPS 5, but the important requirement for an applicant to submit an impact assessment with the application given in HE6.2 has been lost.

Paragraph 183: does not contain a presumption in favour of preserving or conserving undesignated or designated heritage assets (as indicated in HE9.1 of PPS5) and should include the importance given to enhancement as well as conservation.

Paragraph 183: Although the draft framework deals with substantial harm being caused to a heritage asset, it fails to address harm to designated heritage assets which is less than substantial (as PPS 5 HE9.4).

Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

No comment.

Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

The Council's response to the 'Planning for Travellers' consultation should be considered when considering how the issues is addressed in the NPPF.

The style and nature of the draft Planning for Travellers PPS differs greatly from that of the draft NPPF. As an illustration, the NPPF addresses planning for housing in little under 1000 words, over three pages. The Planning for Travellers draft PPS includes over 2000 words, over eight pages. It included eight detailed criteria based policies. This is in complete contrast to the style of the NPPF, which sets objectives, and then a series of short policy statements.

The Council considers that the NPPF should address planning for travellers, but there is an opportunity to deliver the 'light touch guidance' that was originally promised. 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.

The Planning for Travellers PPS includes many detailed issues that could be addressed by local planning policies, and do not sit comfortably with the high level nature of the NPPF. In addition many principles that apply to all types of development are included in the NPPF, but repeated in the Planning for Travellers

PPS, such as achieving community involvement, developing a robust evidence base, protecting the environment, and green belt principles.

The Planning for Travellers PPS was designed to reflect wider housing policy, and the same principles are included in the housing and plan making sections of the NPPF. It could be made clear that, as another form of housing, many of the principles apply to Gypsy and Traveller and Travelling Showpeople sites. However, 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.

Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

QA5: What behavioural impact do you expect on the number of applications and appeals?

QA6: What do you think the impact will be on the above costs to applicants?

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications;
- (ii) the approval rate; and
- (iii) the speed of decision-making?

QB1.2: What impact, if any, do you think the presumption will have on:
(i) the overall costs of plan production incurred by local planning authorities?
(ii) engagement by business?
(iii) the number and type of neighbourhood plans produced?

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

QB4.1: What are the resource implications of the new approach to green infrastructure?

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

QB4.5 Will your approach to renewable energy change as a result of this policy?

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?