

GLOUCESTERSHIRE CPREs RESPONSE TO THE DRAFT NATIONAL POLICY PLANNING FRAMEWORK (NPPF)

Introduction

Gloucestershire CPRE strongly endorses the need to simplify the planning system. As a result there are many aspects of the Draft NPPF that we support.

In particular, the move to condense National Guidance is welcomed but only if the final document has clarity, is not ambiguous and is not open to misinterpretation. If it fails to do this then the inevitable consequence will be further delays to the planning system resulting from legal challenges and planning by appeal.

Our response therefore seeks to provide the Secretary of State with examples of where changes are required and we make a number of constructive and positive proposals to this end.

The planning system is based upon the need to achieve a balance between various public goods. It is not about stopping development but about steering it to locations which best achieve economic, social and environmental benefits in an integrated way. This principle, however, is undermined by the the emphasis in the document that the purpose of the planning system is to promote economic growth (paragraph 13). Our response addresses this concern.

Support for Local Plans

The Government's commitment to maintaining a 'plan led system' for development management is essential to a well planned local environment.

We therefore support:

- ***the principle that Local Plans should be 'sovereign';***
- ***the need to speed up the preparation and review of Local Plans; and***
- ***the new 'duty to co-operate' in plan preparation between neighbouring authorities.***

In this respect, the need to secure a form of 'Transitional Arrangements' that encourage all authorities to adopt up to date Local Plans as soon as practically possible without, in the short term, removing the framework of existing Local Plans will be essential. (See later section on our proposals for Transitional Arrangements.)

Defining Sustainability

We agree that delivering sustainable development means planning for prosperity (an economic role), planning for people (a social role) and planning for places (an environmental role), and that these components need to be pursued in an integrated way, guiding development to sustainable locations.

These principles are taken forward in the presumption in favour of sustainable development. Good planning, however, requires a careful balance between economic, social and

environmental factors when drawing up development plans and determining whether a development proposal should be permitted in a way that will deliver benefits for each of the components. The draft NPPF does not reflect this requirement as it places undue emphasis of achieving development and economic growth beyond other considerations.

Development must be truly sustainable in the long term and not just seek to secure short term benefits.

To ensure this:-

the NPPF must include a specific requirement to take a balanced long term view of potentially conflicting public interests and an explicit recognition that ‘environmental limits’ exist, when proposals are assessed as part of the plan making and development management process, and that

if there is doubt about whether a development proposal is sustainable then the ‘precautionary principle’ should apply. This key principle, agreed in the Rio Declaration and subsequently incorporated into the Lisbon Treaty, needs an explicit reference in the NPPF if it is to avoid criticism of a selective approach to the definition of sustainable development and to the Report of the Brundtland Commission.

Planning Principles

Paragraph 19 sets out a number of basic principles which should underpin the formulation of Local Plans.

It contains the principle that the default position on decisions should be “YES, when judged against the criteria in this framework”. This creates an apparent conflict with the Government’s stated intent to allow local circumstances and decision making set in the context of a ‘plan led system’.

We therefore recommend its rewording:-

‘Decision-takers at every level should assume a presumption in favour of development except where it fails to meet the criteria set down for sustainable development in this framework or in formally adopted Local Plan policies.

The eighth principle in Paragraph 19 requires development to be directed towards the most sustainable locations. We understand why the government should wish to leave it to local authorities to determine which settlements represent the most sustainable locations in their local area. However, the lack of guidance to assist on determining the least sustainable options is a concern. It has long been a planning principle that development in the open countryside would be damaging to a national asset.

We therefore suggest:-

the eighth core planning principle be expanded to include a statement that “Development in the open countryside is likely to be unsustainable and should be strictly controlled”.

Urban Regeneration

A Brownfield First approach

It has been a long established policy to encourage re-use of previously developed land wherever possible, as a first option. Such a policy can be credited with achieving much needed and welcome urban regeneration and for reducing unnecessary development of green field sites. The policy has particularly applied to housing schemes with a recent national target of 60% of new housing on previously developed, brownfield land.

We support the new definition of previously developed land including the exclusion of agricultural sites and gardens and welcome the government saying that it wishes to continue to encourage redevelopment of previously developed land (brownfield sites). However this will not happen unless the NPPF specifically prioritises its use.

We therefore argue that:-

the NPPF must contain an unambiguous statement that development should take place on the basis of use of brownfield sites as a first option, unless there are sound planning reasons why not.

We accept that a single national target for housing development on brownfield land is inappropriate, given the considerable variation in availability of such land in different parts of England. Targets are important in helping to sustain the momentum of urban regeneration where costs can be higher and where developers might seek the often easier option of greenfield development. Local authorities are best placed to determine what targets would be appropriate for their areas.

We therefore propose that:-

Local Authorities should be encouraged in the NPPF 'to determine an appropriate brownfield target for their area or parts of their area to be reflected in policy in the Local Plan'.

Reinvigorating town centres and high streets

The government says that it remains committed to supporting town centres and there are policies, which we welcome, in the draft NPPF relating to retail and leisure uses which require a sequential approach to development.

Offices uses, however, have been removed from the sequential approach. The impact statement says that this will give developers a wider choice over where they can seek planning permission for new office space. However, there are major concerns over the vibrancy of many town centres and high streets. Retail footfall generated by office workers is a vital contribution to the viability of many retail outlets. Nothing should be done which would further undermine town centres and high streets.

While the NPPF asserts that office development will be subject to a policy requirement to locate development that generates significant people movement in accessible locations where sustainable transport modes can be maximised, we are concerned that this will not be enforceable. As a result, a rash of out of town office/commercial developments will come forward in unsustainable locations. Our concern is reinforced by the statement in the draft

NPPF (paragraph 86) that ‘development should not be prevented or refused on transport grounds unless the residual impacts of development are severe.’

***Accordingly, we recommend that:
the sequential test for office development should be reinstated in the final version of the NPPF.***

While the draft NPPF indicates a preference for retail development to be in town centres the reality is that rarely will sites of sufficient size be available in other than our largest cities to accommodate shopping malls or large supermarkets. The sequential test will therefore become a formality. However, evidence shows that large out of town retail developments can be highly detrimental to retailing in smaller towns and villages.

***We therefore recommend that:-
an additional criteria be included explicitly stating that out of town centre retail development should not be approved if it would have detrimental effect on the vitality of the town centre.***

High quality design of new development and improvements to public spaces are also crucial to the economic success of town centres and high streets. While the NPPF contains a section on design its importance in town centres and high streets should be emphasised.

***Therefore:-
reference to the importance of high quality design and improvements to public spaces should be added to the list of bullet points in paragraph 76.***

Ensuring Efficient Use of Land

As currently worded the draft NPPF has the danger of creating a ‘greenfield’ first approach to future development. This is not the Government’s intention as Ministers have sought to emphasise during the consultation period.

As drafted the requirement for local authorities to identify an additional 20% of land for residential development in its 5 year supply could lead potentially to developers taking the easy option of building on previously undeveloped land rather than existing urban sites. Importantly, it is also not clear whether having a five year housing land supply overrides other considerations, for example avoiding inappropriate development in AONBs which would be contrary to the purpose of designation or creating the need to revise Green Belt boundaries.

In our experience, flexibility is created by the acceptance of windfall sites which can form a significant proportion of housing actually built. We see no reason to duplicate this flexibility by allocating land in excess of the numerically calculated five year requirement.

To assist in avoiding these potential problems:-

a duty should be placed on Local Authorities ‘to maintain a 5 year rolling programme of residential sites for development in order to ensure the close monitoring of development progress and the maintenance of an adequate supply of available sites’;

where there is clear evidence from historic trends that ‘windfall’ sites are coming forward continuously then the 5 year rolling programme should explicitly be allowed to take these into account, and

the final version of the NPPF should additionally encourage authorities to prepare appropriate guidelines for the density of development and its phasing.

Reducing the need to travel

In considering the need for new housing, its volume, its location and the pace of delivery it is important to match housing delivery with the delivery of new jobs locally as far as possible if long distance commuting is to be avoided.

Accordingly we recommend that:-

this principle should be reflected in the NPPF in its policies on Housing requirements in plan making, paragraph 28.

Green Belt

Government recognition of the great importance of Green Belts is noted and welcome and we endorse the view that changes to Green Belt boundaries should only be considered when a Local Plan is being prepared or reviewed and that boundaries should only be changed in exceptional circumstances. However, it is not clear what is implied by the term “exceptional circumstances.

Accordingly we recommend that:-

the NPPF should include an elaboration of “exceptional circumstances” and clarify that boundary changes can involve adding additional land to the Green Belt as well as the removal of land, and

where any changes are envisaged, local planning authorities should be required to produce a detailed statement setting out the relative advantages and disadvantages for each change proposed.

Affordable housing in villages in rural areas

The provision of affordable housing is an important issue in many rural communities. We note the requirement that local planning authorities should be responsive to local circumstances, particularly for affordable housing, and should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. We agree that for many small settlements this could be a more realistic approach than relying on exception sites. However, care needs to be taken to avoid this becoming a vehicle for unsustainable free market commuter housing as this could lead to inflation in price expectations for land when a key to providing affordable housing is low land cost.

We therefore recommend that:-

all proposals for rural affordable housing should be substantiated by a local housing needs survey;

the NPPF should give local authorities the maximum flexibility to determine the thresholds in terms of site size and housing numbers for market housing which would trigger a need to contribute to affordable housing;

safeguards are introduced to ensure that projects are community not developer led and that the sites selected would not be significantly damaging to the character of the village or the landscape and the housing will be well designed;

encouragement should be given to the conversion of existing buildings and to distributing affordable housing in settlements rather than opting for a single site, and

the value of using locally identified 'exception sites' for the provision of affordable housing should be acknowledged.

Protecting the Countryside

The principle of sustainable development must apply equally to rural areas. In balancing economic, social and environmental factors, this means recognising the need to reflect the purposes of designation in planning in protected landscapes (National Parks and AONBs) and to safeguard the environmental qualities, intrinsic character and local distinctiveness of the wider countryside. The environmental qualities of the countryside have an economic value and are increasingly recognised as vital in delivering a wide range of 'ecosystem' services, and farming will remain the most important land use.

Fully protecting AONBs

Government statements about the NPPF say that AONBs will continue to be fully protected from inappropriate development. However, the wording in the draft NPPF significantly weakens the special protection of these areas compared to PPS7 - *Sustainable Development in Rural Areas*.

PPS 7 says "*Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.*"

In drafting the NPPF, the important statement "highest status" has been lost, as has any reference to "natural beauty" and the term "conservation" has been replaced by "protect" which is less pro-active.

***We therefore recommend that:-
the wording in PPS 7 should be adopted in the final version of the NPPS.***

Similarly, policy on mineral working is weakened in protected areas. The wording in the draft NPPF requires local authorities to "*as far as practical, ensure sufficient levels of permitted reserves are available from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites.*"

However, the wording in MPS 1 reads:- "*Do not permit major mineral development in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites except in exceptional circumstances.*"

Additionally, AONBs often cross local authority boundaries and there is a need to ensure a consistency of approach in each of their parts.

We therefore recommend that:-

the wording in MPS 1 should be adopted in the final version of the NPPF, and that the NPPF should also require all local authorities to take into account statutory AONB Management plans.

AONB setting

It is also important to consider the setting of AONBs. In the Overarching National Policy Statement for Energy (EN-1) for example the government notes that the duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them (paragraph 5.9.11).

This requirement was specifically recognised in the South West Regional Spatial Strategy. Policy ENV3 Protected Landscapes said:

“Particular care will be taken to ensure that no development is permitted outside the National Park or Areas of Outstanding Natural Beauty which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park or Area of Outstanding Natural Beauty purposes.”

We therefore recommend that:-

wording based on this policy be included in the NPPF to make the policy position clear.

Protecting the character of the wider countryside

PPS 4 *Planning for Sustainable Economic Growth*, Policy EC6 *Planning for Economic Development in Rural Areas* begins with two important statements of principle that *Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all, and that local planning authorities should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans.*

These statements have wide support and their omission from the NPPF could seriously undermine the proper planning of the countryside outside green belts and protected landscapes.

We therefore recommend that:-

the wording in PPS 4 should be included in the final version of the NPPF but adapted to cover all development.

This would also be consistent with the government’s commitment made in the June 2011 White Paper ‘The Natural Choice: securing the value of nature to retain the protection and improvement of the natural environment as core objectives of the planning system’.

Local Green Space Designations

We warmly welcome the NPPF's reference to and inclusion of a definition for Local Green Space designations. The proposal for this new form of local designation has long been needed in order to remove the threat of over development in some urban areas. It is often these relatively small areas of land whose role is essential in providing the community with a sense of place and the maintenance of the character and environment for their particular urban area. We look forward to commenting on the more detailed proposals for this new designation when published.

Planning and biodiversity

Earlier this year the Government published its flagship Natural Environment White Paper – *The Natural Choice: securing the value of nature*. At paragraph 168 of the draft NPPF there is a welcome recognition that planning policies need to take into account the need to plan for biodiversity at a landscape scale, to identify and map components of the local ecological networks including international, national and local sites of importance for biodiversity, and to promote the preservation, restoration and re-creation of priority habitats and species. However, these points are not followed through in the principles at paragraph 169. The earlier Lawton Report *Making Space for Nature* and the Natural Environment White Paper emphasise how critical it is to retain as much as possible of existing valued habitat. .

In this respect, given the significance of SSSIs, it is not satisfactory that reference to them is confined merely to a footnote.

***Accordingly we recommend that:-
paragraph 169 should include 'SSSIs which are not European Sites' in the list of sites where there is a presumption against development. Additionally, reference should be made to the importance of safeguarding Local Sites of Importance for biodiversity***

Safeguarding agricultural land and particularly land of the highest quality

Pressures on global food supplies, a rapidly rising world population and climate change all point to a need to do more to safeguard the ability to feed the nation from our own resources.

Protecting agricultural land is addressed in the Protect Valued Landscape sub-section of the draft NPPF. This is not a landscape issue and its significance warrants a separate heading, but still in the Natural Environment section. A more robust policy is needed to reflect the long-term strategic importance of the best land as an essential basis for maximising UK self-sufficiency in temperate food products.

We propose the following wording:--

'the best and most versatile agricultural land (grades 1, 2 and 3a in the Government's Agricultural Land Classification) is a strategic natural resource for the production of food and its development for non-agricultural purposes should be avoided wherever possible. Where some loss of such land is unavoidable to meet development needs then the greatest protection should be given to the highest quality land. Only in exceptional circumstances of demonstrable public interest should significant areas of land in grades 1 and 2 be taken for development'.

Transitional Arrangements

It will be vital that effective transitional arrangements are put in place to avoid a policy vacuum and a developer free for all before new Local Plans are ready.

We draw to your attention to our experience in Gloucestershire where local authorities have only just adapted their plan making processes to changes brought in by the last government and are well behind with producing their LDFs. This delay has been compounded by the decision to do away with Regional Spatial Strategies with the consequential requirement for them to develop soundly based methods for assessing future housing need.

Local authorities have ensured that this process of change is bridged by saving key policies from their existing local plans though not those policies which are repeated in the national PPSs. This good practice has helped to maintain a practical local framework for decision making. Unfortunately, as presently worded, the draft NPPF would in future render such an approach invalid.

Further, as presently drafted the NPPF would automatically render all existing Local Plans as 'out of date' because they would not accord with significantly changed national policy. Therefore, any proposal in their areas would be subject to the 'default YES to development'.

This is not a matter that can be dealt with by 'light touch' certification of conformity process but a fundamental issue that needs resolving if the Government is not to create a local planning policy vacuum. We do not believe that was the intention and therefore redrafting is essential to demonstrate the Government's stated intention to fully support the plan led system.

Additionally, if Government is serious about and committed to maximising community involvement, time and resources are needed for communities to prepare Neighbourhood Plans which feed into the Local Plan and not vice versa as is currently proposed.

We therefore recommend: -

where Local Authorities have Local Plans which are in date or have Saved Policies then they should remain in force for up to 3 years from the date of adoption of the NPPF, in order to allow time for their review and roll-forward in the light of the new national guidelines;

Local Authorities who are working on their Core Strategies/Local Plans should continue that work by adapting them to conform with the NPPF but be given no longer than 3 years to secure their adoption, and

in assessing the conformity of future Local Plans, the key test should be one of their 'general conformity' to the NPPF and not to every aspect of its detail as currently implied in the draft. This proposed change would reflect the Government's stated intention to allow a degree of local flexibility in decision making and will assist in speeding up the Certification process.