

## **Proposed Response to DCLG on the Draft National Planning Policy Framework**

The following proposed response has been drawn from the general conclusions set out in the covering report and seeks to respond to relevant questions asked by DCLG in the draft National Planning Policy Framework (NPPF). Other comments on aspects of the NPPF not covered by the questions posed are set out at the end of this document.

Para 3 The Council supports the proposed approach to empower local people to shape their own surroundings through neighbourhood plans. The council wishes to see that this is not inhibited by the advice set out in para 21 of the Draft NPPF on Supplementary Planning Documents.

### **Delivering sustainable development**

1a) The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

Do you: ~~strongly agree~~ / ~~agree~~ / neither agree or disagree / ~~disagree~~ / ~~strongly disagree~~

1b) Do you have any comments? Please state relevant paragraph numbers

Para 13 – 15

In general terms, the presumption in favour of sustainable development is noted as being key in ensuring the necessary homes, business space and infrastructure are provided to meet the needs of borough residents and the local economy. The draft NPPF takes a pro-development stance and there is concern that the 'presumption in favour' means that development will be approved, unless its adverse impacts 'would significantly and demonstrably outweigh the benefits'. The final version of the NPPF should refer to section 70(2) of the Town and Country Planning Act, which requires LPAs to have regard to 'other material considerations' and it must ensure that decisions are taken in light of all relevant issues.

In addition to the above, there is concern that:

- The draft NPPF provides little advice on how the views of the local community should be considered in preparing plans and determining applications, the concept of which was introduced through the Localism Bill; and
- Planning permission should be granted where the plan is silent, indeterminate or out of date, which may have implications for issues not fully considered in an up-to-date development plan. It is suggested that bullet point three of para 14 should be deleted.

## Para 19

In general terms, these core principles are noted in respect of the means of supporting sustainable development. However, there is concern around the risk associated with the notion that the default answer to development should be 'yes'. This is particularly the case where an LPA does not have an adopted plan in place. In these instances, there is concern that an appeal Inspector is likely to endorse such proposals, contrary to the views of the LPA or the local community. This will also be relevant where a plan is in preparation, but has not been adopted, and may result in inappropriate development coming forward, which has not been subject to the plan making process, including public engagement. There is therefore concern that the views of the local community will not be taken into account in such circumstances.

**Plan-making**

2a) 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.

Do you: ~~strongly agree~~ / agree / ~~neither agree or disagree~~ / ~~disagree~~ / ~~strongly disagree~~

Do you have any comments?

## Para 21 – 52

It is noted that the draft NPPF states a preference to prepare a development plan based on evidence that covers a 15 year period from the time the plan is adopted. In addition, the need to ensure that plans are prepared in good time is noted. However, there is some concern regarding the scope to provide additional guidance in the form of SPDs to supplement the Borough's plan. This is particularly the case where it may be necessary to prepare further guidance on a specific matter to aid the implementation of a policy, such as affordable housing, or additional guidance in respect of a site, where the views of the local community will be important to consider. It is noted that the current system provides scope for SPDs to be prepared when necessary, including in response to changing circumstances, without the requirement to go through the formal process required for the preparation of a Development Plan Document. In the absence of such an approach, it is not clear how a single policy aspect of a Local Plan can be updated in a time and cost efficient manner.

The requirement for a Certificate of Conformity for out of date plans is noted, and it is considered that this will be an important issue for LPAs which are reliant on dated plans for the determination of planning applications

In terms of the amendments to the Local Planning Regulations, the proposed changes are to be welcomed as helping to make it more efficient to prepare plans, in addition to the duty to co-operate between neighbouring authorities and other public bodies. However, it is considered that further clarity should be provided to ensure that LPAs can gain active involvement from adjoining authorities, as well as key partners, such as the Environment Agency.

The Council is supportive of the continued need to undertake an integrated Sustainability Appraisal as part of plan preparation.

Para 50 suggests that neighbourhood plans must be in general conformity with the strategic policies of the local plan which reflects our understanding of the Localism Bill. Paragraph 51 suggests policies in neighbourhood plans, which are in conflict with the non-strategic elements of a local plan will take precedence. This needs to be further explained or expressed more simply as this has been interpreted differently by different readers of the draft document.

Clarity is required to explain the scope of decision making related to the 'preference that the plan covers a 15 year period. Under what circumstances would this be less or more years?

### **Decision Taking**

3a) In the policies on development management, the level of detail is appropriate.

Do you: ~~strongly agree~~ / ~~agree~~ / ~~neither agree or disagree~~ / disagree / ~~strongly disagree~~

3b) Do you have any comments?

#### **Para 54**

The concept of development management is supported and should continue to be embraced. This includes pre-application advice, ensuring a responsive service recognising local circumstances and being 'proportionate' in terms of the controls on development through conditions and planning obligations (as well as the notion of seeking solutions). However, there is concern about the impact of the Government's objectives in respect of determining planning applications. This is particularly the case with regard to the impact on the environment and with little given to the role of local residents in making decisions. This is an oversight of the draft NPPF and contradicts the approach of the Localism Bill and there is concern that the suggested approach will result in additional proposals being determined at appeal where LPAs refuse planning permission. This is not in line with the Government's approach of devolving power and there is concern that the decision-taker has relatively little guidance in the NPPF upon which to take into account the views of local communities.

It is suggested that the bullet point “attach significant weight to the benefits of economic growth” should be removed

Para 66. Clarity is requested as to who could be considered an independent examiner

Para 68 – what is meant by “fair and reasonable” with regard to planning obligations the language needs to be tightened up.

4a) Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

Do you: ~~strongly agree / agree / neither agree or disagree~~ / disagree / ~~strongly disagree~~

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

Specific guidance should be provided on the means of applying particular advice in the draft NPPF, including

- Application of the guidance on housing (as per the existing guidance in PPS3);
- Application of the guidance on town centres (as per the existing advice in PPS4);
- Application of the guidance on flooding (as per the existing advice in PPS25); and
- Detailed advice on design (as per the advice in ‘By Design’).

This should be provided by the Government or an alternative statutory body, such that it has sufficient weight to be considered by a decision-taker, including a Planning Inspector.

### **Business and economic development**

5a) The ‘planning for business’ policies will encourage economic activity and give business the certainty and confidence to invest.

Do you: ~~strongly agree / agree /~~ neither agree or disagree / ~~disagree / strongly disagree~~

5b) Do you have any comments?

Para 73 - 75

The guidance on business requirements in the draft NPPF is noted and the requirement for close working with neighbouring authorities and local business to understand local needs and issues is to be welcomed.

In respect of the retention of employment allocations for that purpose, it is considered that a managed approach should be taken to the re-use of these for alternative uses in order to ensure that employment opportunities remain in the future and provide flexibility. In addition, it will be necessary to ensure that the implications of permitting changes of use are fully considered to avoid inappropriate forms of development, such as residential development in close proximity to industrial uses.

The advice on economic development in rural areas is generally to be welcomed, particularly where it assists in supporting growth and diversification of the rural economy, including the promotion and encouragement of tourism.

Para 75 – This para is important and may aid regeneration or run down areas.

Role of the Local Enterprise Partnership – document would be an opportunity to explain their role with regard to strategic and local level planning.

6a) 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.

Do you: ~~strongly agree~~ / agree / ~~neither agree or disagree~~ / ~~disagree~~ / ~~strongly disagree~~

### **Transport**

7a) The policy on planning for transport takes the right approach.

Do you: ~~strongly agree~~ / ~~agree~~ / ~~neither agree or disagree~~ / disagree / ~~strongly disagree~~

7b) Do you have any comments?

There is concern that the approach proposed by the draft NPPF will result in development proposals being permitted where there may be impacts on the transport network where these impacts are not considered 'severe'. It is considered that the NPPF should be ensuring that new development does not adversely impact the transport network, and to provide scope to refuse development proposals where unacceptable impacts are likely to occur.

Para 90- The Council supports the need for, and use of travel plans

Para 94 is supported by the Council

**Housing**

10a) The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local need.

Do you: ~~strongly agree~~ / ~~agree~~ / neither agree or disagree / ~~disagree~~ / ~~strongly disagree~~

10b) Do you have any comments?

Para 109

The draft NPPF clearly establishes the Government's objective of significantly increasing the supply of new homes and much of the advice is similar to that contained in PPS3. This highlights that the housing requirements for an area must be based on an evidence base.

It is noted however, that the draft NPPF provides little guidance on the means of taking into account the views of local communities in determining a housing requirement for the area. Involvement of local residents and stakeholders is a key issue in the Localism Bill, but the draft NPPF provides no advice on this matter. The issue of housing numbers is a key concern to local residents and stakeholders and there is significant concern that an Inspector will be able to attach only limited weight to this in examining the Borough's future planning documents. The Borough Council has sought to engage with local communities and it is important that these views are balanced in forming a view on an appropriate housing number for the borough.

In terms of housing numbers, the NPPF needs to be clearer about what it means by meeting the full housing requirement since, with the revocation of regional strategies, each LPA will have to establish the requirement for itself. The bullet points within paragraph 28 of the draft NPPF sets out the need to meet the full requirements for market and affordable housing. However, in many parts of the South of England even if the authority's full housing requirement could be delivered as affordable housing, it would not be possible to meet forecast demand for such accommodation. Meeting that demand would be economically undeliverable and environmentally unacceptable, and it would be more appropriate to set out what LPAs should aspire to, subject to local circumstances.

In addition to this, there is some concern about the approach of providing an additional 20% supply of housing sites to maintain competition. This is based around both the means of demonstrating this, and the implications in terms of planning proposals that may come forward which are contrary to the development plan. Such an approach means that the LPA may have less control to manage effectively development in the future. It is therefore suggested that this component is deleted from the final version of the NPPF.

Fourth bullet point. Windfall sites have formed a significant number of dwellings in Basingstoke, thus councils should be able to make allowance for

this in their future planning for housing and not only in the final 5 years of their plans. Thus, this bullet should be amended to reflect this.

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### **Design**

12a) The policy on planning and design is appropriate and useful

Do you: ~~strongly agree~~ / ~~agree~~ / neither agree or disagree / ~~disagree~~ / ~~strongly disagree~~

12b) Do you have any comments?

Para 115 - 123

It is generally welcomed that the importance and value of design has been carried forward into the draft NPPF. However, there is a concern that the draft document is primarily focussed on growth and this could potentially be at the expense of achieving good design. This together with the limited detail on issues such as how to improve the quality of housing design, requires further clarification.

Para 123 – the Council is concerned about the loss of control over advertisements which often have an impact on amenity and public safety. How would a Local Planning Authority determine whether a detailed assessment is required or not, the paragraph is too ambiguous on this point.

### **Climate change, flooding and coastal change**

14a) The policy relating to climate change takes the right approach.

Do you: ~~strongly agree~~ / agree / ~~neither agree or disagree~~ / ~~disagree~~ / ~~strongly disagree~~

14b) Do you have any comments?

Para 148 – 153 and 154 – 158

In principle, the thrust of the draft NPPF is to be welcomed in respect of climate change and renewable energy.

The approach taken of the draft NPPF in respect of flooding, which generally replicates the guidance of existing PPS25, is noted. However, clarity is requested over the future role of additional guidance such as the Practice Guide to PPS25. This provides useful information on the application of policy

and it is considered important that clarity is provided on the future availability and weight of such guidance.

Para 164 – Support point made in the 3<sup>rd</sup> bullet point.

### **Natural and local environment**

15a) Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

Do you: ~~strongly agree / agree / neither agree or disagree~~ / disagree / ~~strongly disagree~~

15b) Do you have any comments?

Para 167 - 169

From a landscape perspective, the approach taken by the draft NPPF is considered favourably for those landscapes with some degree of protection or status, which may mean that those undesignated areas are afforded less in the way of protection. It is therefore considered that all landscapes should be recognised and that a local judgement is made on whether development is acceptable in these areas or not. It would be useful to clarify what is meant by a “valued landscape”.

In terms of biodiversity, the approach of looking at this issue across boundaries is broadly welcomed, and it is considered appropriate to take the measures of mapping networks of habitats and seeking to preserve and restore such priority habitats through both the planning system and through other strategies and opportunities. However, there is concern that the requirement to meet needs may be at the expense of the natural environment.

### **Historic environment**

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

Do you: ~~strongly agree / agree / neither agree or disagree~~ / disagree / ~~strongly disagree~~

16b) Do you have any comments?

Para 183

The approach of focussing on the more significant heritage assets is noted, including the need to take a balanced and proportionate approach to such

assets. However, there is concern that further guidance in the draft NPPF advises that applications should be refused where there will be substantial harm to that heritage asset. It is considered that this provides a decision-taker with limited scope to refuse planning permission for those schemes where harm is likely to arise, but where this may not be considered 'significant'. In addition, the current requirements on applicants to provide adequate and often detailed information about a particular asset in support of a planning application may now be considered as an unnecessary financial burden. The loss of this information as part of the planning process and particularly in terms of making informed, quality decisions would potentially be very significant.

### **Planning for Travellers**

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

Comments have already been provided by the Portfolio Holder for Planning, Transport and Infrastructure on behalf of the Borough Council on the draft planning policy on Traveller Sites. The main issue will be that the final version of the NPPF effectively takes into account the guidance from the draft planning policy on Traveller Sites in a manner consistent with the style and approach of the NPPF.

### **Other comments**

The following are other points of concern that do not specifically respond to a question raised by the Government:

#### **Neighbourhood plans**

The approach of engaging and enabling communities to prepare Neighbourhood Plans should be fully supported and enabled through the planning system. In addition, the requirement for Neighbourhood Plans to be in general conformity with Local Plans is also welcomed. However, the level of resources required to undertake any local referendum should be considered in further detail, given the impact that this may have on local authorities.

#### **Ensuring viability and deliverability**

It is considered that the approach with regard to viability largely reflects existing Borough Council guidance. However, further advice is required for terms such as providing 'acceptable returns', which is subject to interpretation by different decision takers. In addition, there is concern that the approach of the draft NPPF represents a significant change from the existing approach,

which permits applications to be refused where schemes fail to provide the necessary infrastructure to mitigate its impacts. This point needs further clarification.

In respect of the suggestion that CIL should generally be worked up in tandem with the Local Plan, where this would not hold up the adoption of an up to date development plan this would appear to be a logical approach to be supported, given the need to ensure that infrastructure is delivered at an appropriate time.

### Sustainable communities

In general terms, it is noted that the guidance on sustainable communities provided in the draft NPPF is generally in accordance with the advice in PPS documents. However, the approach of establishing Local Green Spaces requires further detail on the process for establishing such areas, including where there is conflict between the intentions of the landowner and the community.

### General considerations

The approach taken in the draft NPPF has been to reduce the amount of guidance provided by national Government, and to provide more scope to empower local authorities to deliver solutions that work for their local area.

Whilst reducing the levels of bureaucracy should be welcomed, in order to provide a more efficient planning system, there is some concern that the draft may limit the ability to manage development effectively. In particular, the pro-development stance of the draft NPPF provides limited guidance on how to respond to and weigh the views of the local community in making balanced decisions on future policies and the determination of proposals for development. This is particularly relevant in providing guidance to Planning Inspectors who will be considering such issues through the examination of plans and appeals on planning applications. In this respect, this is a concern that Members should be aware of, given the general approach of devolving power to communities through the Localism Bill.

In respect of the importance of Local Plans, the pro-development stance, together with the presumption in favour of development re-enforces the importance of ensuring that these are in place in order to manage and control change in accordance with the views of local residents. There will also be a requirement to ensure that appropriate local policies are in place to manage development in the absence of detailed guidance at a national and regional level.

In respect of the terminology used in the draft NPPF, this is worded such that it will only be possible to refuse planning permission where this is considered 'severe' or 'substantial', in respect of the transport network or historic environment for example. LPAs may not have adequate grounds upon which

to refuse planning permission where the impacts are not severe or substantial. In this respect, it is considered that further guidance and clarity on these points is provided.

Full definitions are required for many terms, which are clearly defined in current planning guidance such as, windfalls, independent examiner, sequential approach etc. none of which appear in the glossary to the NPPF.

Finally, it is considered that clarity should be provided on the future use of existing guidance that supports the framework provided by PPGs / PPS guidance, such as Practice Guide to PPS25 on flooding and 'By Design'.