

***Introduction and Summary***

The Royal Town Planning Institute (RTPI) has over 23,000 members who work in the public, private, voluntary and education sectors. It is a charity whose purpose is to develop the art and science of town planning for the benefit of the public. The RTPI develops and shapes policy affecting the built and natural environment, works to raise professional standards and supports members through continuous education, practice advice, training and development.

We run Planning Aid for England – supporting communities and individuals through a locally-based network of 1,200 RTPI members who give their time and expertise free of charge – a service at the heart of localism.

We support many of the objectives underlying proposals for planning reform, including the principle of a single National Planning Policy Framework (NPPF) that helps to reduce conflict and duplication, separates the presentation of policy from evidence and practice advice, and renews the drive to ensure that objectively assessed development needs are provided for in a sustainable manner through the planning system.

We welcome proposals that reaffirm the importance of planning in enabling communities to develop their own vision for the future of their area, provide the means to decide on priorities for investment, and tackle the challenges of climate change, economic growth and social inequity. The role of planning is to successfully balance these factors.

Within this overall position, we raise six main areas of concern with the NPPF:

- i. **Managing the Change:** The changes proposed in the NPPF are significant and cannot practicably be assimilated by councils, developers or communities in the intended timetable without unintended consequences – as with the implementation of the proposals of the Localism Bill, there is a need for careful change management including a transition phase;
- ii. **Language:** Large parts of the NPPF policies are ambiguous, as is evidenced by the different interpretations put on policies by government, conservation bodies and others;
- iii. **Presumption in Favour of Sustainable Development:** In principle, this is an evolution of the existing presumption in favour of development that accords with a development plan, but contains weaknesses that may result in unintended consequences.
- iv. **The NPPF as a spatial plan:** The NPPF misses an opportunity to express a vision for the development of the country as a whole, recognising the different impacts policies are intended to have in different parts of the country, which runs counter to government commitments, such as that “prosperity must be shared across all parts of the UK” (Plan for Growth, p.3)

- v. **The relationship of the NPPF to the Localism Bill:** The status of and procedures for producing and reviewing the NPPF need to be embodied in statute to ensure proper public debate of issues and restore democratic accountability through parliament, as is the case for National Policy Statements (NPSs) for infrastructure;
- vi. **Promoting real positive planning** The NPPF exhorts councils to undertake positive planning but does not afford planning, and plan making in particular a truly holistic role. It focuses on providing a basis for determining planning applications rather than place shaping . It seems to regard spatial planning as having no role in influencing any parallel strategies at either national or local level.

These points and other key areas of concern are addressed in more detail below.

High Level Issues

Managing the change

The RTPI supports the principle of streamlining national planning policy: it makes policy more accessible, and also helps to reduce conflict and duplication between policy statements. In this context we have previously supported the principle of a single statement of national planning policy (although we would prefer it to be a spatial plan – see below). We therefore support, in principle, the idea of a National Planning Policy Framework.

The impact of discussion of the Government’s planning reforms on planning activity is well documented, particularly the numbers of homes that have apparently been removed from the pipeline. While there are other variables involved – particularly the recession – it is clear that while the development industry relies on certainty, planning reforms always lead to a period of uncertainty. This is not just while reforms are being discussed and implemented, but also in the months and years that follow, while practice becomes embedded and new precedents are set.

The difficulty is whether the amount of change proposed in the NPPF is practicable for the development industry, local government and communities to absorb in such a short space of time. At the same time as introducing the NPPF, the Government is promoting the Localism Bill, proposed changes to the use classes order and permitted development rights, ongoing production of NPSs, changes to national waste planning policy, planning application fees, etc., and all of these in the additional circumstances of a recession which is holding back development finance and leading to cuts in the resourcing of local planning departments. Will this amount of change lead to further paralysis?

We therefore propose that more emphasis is placed on managing the change between the current system of legislation and policy, and the system proposed through, *inter alia*, the Bill and the NPPF.

In this respect the RTPI suggest that the government considers whether it is essential to revise national planning policy in one go, or whether a phased approach would be more effective. We would make the following suggestions:

- Responding to the Localism Bill: Clearly existing policy needs to be revised most urgently where changes to legislation through the Localism Bill will have most impact – mainly the preparation of plans, including neighbourhood plans (PPS12) and matters relating to the processing of planning applications and enforcement (no specific PPS, but mainly PPS1). Such elements could be combined into a single new PPS1 or a “Part 1” of the NPPF.
- References in various PPSs to regional strategies will need to be addressed once RSSs are abolished. PPS11 has already been withdrawn, but other references could be quickly addressed through minor changes.
- This action would give the new core principles for planning policy – effectively the issues covered by pp.3-17 of the draft NPPF.
- The presumption in favour of sustainable development: Subject to our position on the principle of this presumption (see below), we maintain that the element of the presumption that relates to development generally being allowed where plans are “absent, silent, indeterminate or ... out of date” should not apply immediately on approval of the NPPF, but that there should be a phased introduction to enable councils and developers to respond to both the impact of the new presumption and the actual new policies of the NPPF.
- Everything else: Many of the more detailed topic-based policies have already been modified and/or streamlined in recent years; the process of further modification/streamlining is simply adding to the complexity of introducing the NPPF, and there is very little opportunity to understand the real impact of the changes in these areas in the context of the untested presumption in favour and the Bill.
- To smooth the process the government could publish a programme to review these areas of policy and integrate them into the NPPF with a more realistic, but still demanding timescale. This could give the opportunity for a fuller debate about the role of planning policy in these topic areas.

Much has been made much of the fact that the NPPF reduces a thousand pages of policy to just a few dozen. This is of course laudable. However there remains a question as to whether this is sufficient to properly address the necessary issues: had the NPPF been three times as long, it would still be a major accomplishment in streamlining. In summarising the existing policy in many cases there has been a change in its meaning (or the meaning has become unclear) which may have been unintentional.

There has been less focus on the fact that this is only the policy element of the evidence, policy and guidance needed to make the system work, and government officials are already talking about the supporting practice guidance that will be needed – whether this is produced by government or not. The RTPi has prepared a discussion paper on the future of planning guidance entitled *Producing planning guidance through a sector-wide approach* dated 20 September 2011.

We also question the wisdom of reducing to 52 pages the policy needed to guide the development of homes, businesses, leisure, schools, health, etc., the production of minerals, the promotion of economic growth, the conservation of biodiversity, countryside and built heritage, and the processes for undertaking these things through the planning system, when the national policy just for hazardous waste is 12 pages longer.

A little-remarked parallel consultation is currently underway on the Local Development Regulations. We have already submitted our responses to these as required although in practice the whole new planning architecture should be consulted on in a single exercise – parts of the Regulations appear to contradict or even pre-empt the NPPF consultation. (For details please refer to our response on the Regulations.)

Language

The “war of words” that has erupted in the national press as to whether the NPPF amounts to a developers’ charter that will lead to urban sprawl and the loss of cherished landscapes and places, or whether it is simply a tool for promoting the growth we need in a sustainable manner, demonstrates the importance of delivering a clear, balanced and consistent message when publishing important policy that others need to interpret.

Our key position here is that some of the language used in the draft NPPF is ambiguous: a clear case for clarifying the wording of the NPPF.

There is a repeated emphasis on growth – and particularly economic and housing growth – especially within the first half of the draft framework. This is typified by the imperative that the planning system should do everything it can to support “sustainable economic growth” in para 13. This terminology confuses the concept of “sustainable development” in paras 9 to 11. It wrongly sets a succession of references throughout the document that “economic growth” is first amongst equals in the balance of the three elements of “sustainable development” both nationally and in each local situation.

Apart from the test of soundness for Local Plans in para 28, there is no means of assessing “sustainable development” in the Draft NPPF and it is recommended that Sustainability Appraisal is brought forward from its inappropriate position under Environmental Assessment in para 34 to this part of the document (e.g. as part of para 12). It should be noted that the Sustainability Appraisal framework established for the 2004 Planning and Compulsory Purchase Act include the European Commission’s requirements for Strategic Environmental Assessment (SEA) as well as providing a means of objectively assessing the right balance of the economic, social and environmental interests in “sustainable development” in each situation.

Moreover, para 13 emphasises that “significant weight should be placed on the need to support economic growth”. While it is recognised that the planning system should be enabling the delivery of growth, it is not obvious from the NPPF how decision makers will be expected to weigh up the different competing interests in land and property. This difficulty is exemplified by the different use of language in the framework, such as the weight to be applied to different factors, i.e.:

- “significant weight” applied to supporting economic growth
- "great weight" to be given to protecting landscape and scenic quality
- "substantial weight" to apply to green belt harm
- "considerable importance and weight" to apply to conserving heritage assets.

The “weight” approach also typifies a general weakness with the framework in that it implies an emphasis on case-by-case decision-making, rather than a plan-led system. Considering proposals on a case-by-case basis prevents the proper assessment of a proposal against the available alternatives. In any one case, it may be difficult to justify the protection of a single piece of countryside or a building of historic interest against the imperative to provide more homes or business premises. However, other sites may be available where there is no such harm, or where there are other benefits. The best way to assess alternatives is through a regularly updated development plan process. The lack of emphasis in the framework on approaches such as “plan, monitor and manage” or sequential approaches to site selection is a serious weakness of the framework, and one of the reasons why the environment/conservation lobby is so concerned about the framework.

The relationship between the main body of the framework and the language of the Minister’s foreword and introduction is somewhat problematic. The main part of the draft is, on the whole, more balanced than the introductory parts. The government may argue that the foreword and introduction are not part of the policy framework, and should not be taken into account in decision-making. However, they do form part of the context for the NPPF, and where the framework is ambiguous, they will be used to justify certain positions.

For example, the sections in the Minister’s foreword relating to the natural and historic environments talk about improvements to both of these aspects of the environment, but do not mention their protection at all. This creates an atmosphere within which the idea of development of part of an asset in order to improve another part is considered desirable, even if such “improvements” are unnecessary.

The presumption in favour and the definition of “up-to-date” plans

We are pleased to note that the NPPF’s definition of sustainable development in para 9 is effectively the generally accepted Brundtland definition, although it should go further to refer also the UK Sustainable Development Strategy 2005 since this is actual UK government policy. The re-emphasis of the economic, social and environmental pillars of sustainable development in para 10 is also welcome, although the use of “places” rather than “environment” is confusing: places are involved in all three pillars.

It is unfortunate that here and elsewhere in the NPPF, the government continues to conflate “sustainable development” with “sustainable economic growth” as mentioned earlier and that it fails to recognise the potential role of Sustainability Appraisal in assessing what is the right balance of the components of “sustainable development” in each particular situation. The concept of “sustainable development” is one in which the two words taken together have a different meaning than if the words are read individually, that meaning being the Brundtland definition. “Sustainable economic growth” on the other hand, simply means “economic growth that can be continued” and ignores the interdependence with social and environmental interests.

The presumption in favour of sustainable development itself (para 14) follows on from the existing presumption in favour of the development plan, with one critical exception.

In effect, the presumption says that councils should objectively assess needs, and plan to meet those needs, unless doing so would harm interests set out in the NPPF,

and where development proposals accord with their plans, councils should quickly approve them, unless doing so would harm interests set out in the NPPF.

The difficulty is with the third bullet point, and the imperative that permission should be granted where “the plan is absent, silent, indeterminate or where relevant policies are out of date” (unless, of course, doing so would harm interests set out in the NPPF). The first difficulty is with defining what each of these terms mean in practice.

Here are two examples:

1. A council has objectively assessed its employment needs as 50 hectares of employment land in the first 10 years of the plan period. It identifies 4 brownfield sites and 1 greenfield urban extension to accommodate this, accepting that small brownfield windfall sites and mixed use and town centre developments will be a bonus, because it is such a good council.

While planning applications are progressing for these sites, another developer comes along with a proposal for a 10 hectare business park on another greenfield site in the middle of the countryside, which, like the first greenfield site, is not green belt, AONB, flood plain or any other designation, but is a site that most local people were adamant should not be designated, whereas they accepted the principle of the other.

Unless the council has a policy that says that no sites other than those allocated will come forward in the plan period (which would surely not be supported by the principles of plan policies being positive and flexible), it would be **silent** on this particular site, and would have to grant permission, even if the effect of so doing might be to prejudice another developer’s ability to deliver on a more sustainable brownfield site.

2. On approval of the NPPF as it stands, councils will be expected to demonstrate a five-year land supply plus 20%, in order to “ensure choice and competition in the market for land”. Setting aside the principle of policy for the moment, this means that it is possible that a large number of local plans will not in practice conform to the NPPF on its vesting day. This could be disastrous for the smooth provision of the nation’s housing supply.

If no district has an up-to-date housing policy, then any residential scheme on any site should be approved, unless the site is protected by other policies that may still be up-to-date.

This brings in the question of what is meant in the presumption by “grant permission where... relevant policies are **out of date**”. Does this mean “where all relevant policies are out of date”, or could it apply if just the housing policy is out-of-date, but other policies remain that would otherwise prevent development of a site?

This is further complicated by the fact that the presumption is (implicitly) linked to para 26, in which it is suggested that councils need to seek a certificate of conformity with the NPPF in order for their plans to be considered up-to-date. This requires detailed attention – not least for its resource implications – but also because the presumption, as currently worded, accounts for the possibility that some policies can be considered up-to-date and relevant, even if others are not. Para 26 implies that if some policies are considered out-of-date, then the plan cannot be in conformity with the NPPF.

If, there are quite a number of local planning authorities which cannot demonstrate a five-year land supply plus 20%, then it is possible that there

will be quite a few plans among those which have already been adopted which are not up-to-date.

This could have serious implications for all the functions currently carried out by LDFs (including defining Green Belt boundaries, allocating housing land, defining settlement boundaries).

Furthermore the operation of the presumption could have the perverse effect of encouraging certain parties to in some sense delay the adoption of local plans so that the NPPF would hold sway.

Relationship of NPPF to the Localism Bill

The RTPI has previously argued that the NPPF needs to be given the same status as National Policy Statements (NPSs) for infrastructure if it is to carry the same weight in the overall planning system. We will reiterate those arguments in response to the draft NPPF and to the committee inquiries.

However, we now recognise that the public debate that has sprung up around the NPPF confirms the case for a statutory basis for the framework in order to ensure that policy changes and additions are required to be at least debated in Parliament in recognition of the impact that these policies will have on the lives of individuals, communities and businesses affected by planning. Our preference would be for the original Draft NPPF and any subsequent revision to it to be discussed and agreed by Parliament.

NPPF as a spatial plan

Again, the RTPI has previously argued that the NPPF should be more spatial in its approach, recognising the differing needs of different parts of England and their relationship with other UK nations. The Chancellor has expressed a desire to see the economy more balanced between sectors and parts of the country. It is important for the Government to set out its spatial objectives for England. Such an expression would also show how the Government intends the integration of planning for housing and economic growth with the nationally significant infrastructure needed to support it, and with marine spatial planning. It is also important for the Government to state where it sees England in 20-30 years' time in the arena of sustainable development. Otherwise how can we know whether we are making any progress ?

Again, the current national debate highlights the need for spatial elements to the framework, not least the broad definition of the location and extent of Green Belts , but also a better understanding of more micro-level spatial considerations typified by the need for a better approach towards weighing up alternatives and the use of sequential policies.

Promoting Real Positive Planning

The NPPF exhorts councils to undertake positive planning-indeed their plans will not be sound unless they do. However the NPPF does not appear to afford planning, and plan making in particular, any role other than that of providing a basis for determining planning applications. Indeed paragraph 22 appears to rule out any function other than development control. This is replacing positive planning with writing a rule book. It seems to regard spatial planning as having no role in influencing any parallel strategies at either national or local level.

Yet the Government in other places exhorts place-based thinking, and spatial planning is a key element in this. For example the Government strongly encourages public bodies within areas to work together to make the best use of the public sector estate. Many functions can be encouraged to share premises and offer a better service to customers at a lower cost. This activity, being promoted under the “community budgets” banner by the Government and LGID, is one which is very closely connected to spatial planning. Indeed the proper creation of vital places depends on the tactical location of key activities, often public sector based, so as to bolster failing suburban shopping centres, for example, and to increase the possibility of one trip performing a variety of functions. The NPPF calls for “positive” planning but seems to have a limited take on the potential this could achieve, and a limited take on the way in which planning is related to other national and local strategies.

We would commend wording along the following lines.

Local spatial planning is a process of place shaping and delivery. It:

- Produces a **vision** for the future of places that responds to local challenges and opportunities and delivers local economic, social and environmental well being
- Translates that vision into a **set of actions** which are deliverable within a 15-year timescale
- Creates a framework for **private investment** to achieve this vision
- Coordinates and delivers the **public sector** components of this vision along with other agencies
- Creates a positive framework for **action on climate change**.