

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.¹

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

(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

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

No

X

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

X

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

X

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 type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

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

The RTPI welcomes the emphasis on Sustainable Development but clarity is required. The RTPI believes that the Draft National Planning Policy Framework (NPPF) does not define sustainable development in a way that is practically relevant to spatial planning. We need a clear national definition that can be applied to the particular circumstances of place.

Para 9 - The definition offered here, ‘people should be able to satisfy their basic needs etc’ is not a workable definition of sustainable development and is wholly inadequate as a means of evaluating a planning proposal. The RTPI believes that the 2005 UK Sustainable Development Strategy is a more useful basis for the definition.

Para 14 - it clear that a presumption in favour of sustainable development should be at the heart of the planning system and be seen “as a golden thread running through both plan making and decision-taking.” This statement is to be welcomed and supported. The ‘Presumption in Favour of Sustainable Development’ (PIFSD) is expressed ambiguously in the document. In places it is simply stated in the form such that where there is no plan the permission should be granted. The crucial precondition of sustainable development is omitted. In para 14 this omission is a serious oversight. We would suggest the following wording:

“14. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals in accordance with the principles set out in this NPPF. Local planning authorities should therefore:

- prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- approve development proposals that accord with statutory plans without delay; and*

- *where the plan is absent, silent, indeterminate or where relevant policies are out of date assess the impacts and benefits against the policies in this Framework taken as a whole.”*

Para 19 - The requirement to take account of existing or potential environmental quality regardless of current or previous use is also puzzling and not on the face of it strategic.

Para 20 - Paragraph 20 takes a slightly more explicit and largely helpful if still too vague approach to health and well being than Planning policy Sustainable 1: Sustainable Development.

General comments:

In order for the NPPF to offer a practical framework for evaluating proposals the following steps are recommended:

- Expand the definition of the role of spatial planning in sustainable development. See below.
- Set spatially relevant limits or parameters to climate change and resource consumption
- Define and quantify the value of sub national landscape and biodiversity assets
- Describe inter and intraregional discrepancies in economic and social performance and describe how these will be eliminated and the role of planning in rebalancing economy and reducing disparities in health and economic and social performance. Cascade these performance criteria to the areas of intervention that comprise planning, housing, economy, transport, health etc.
- Set out the evaluative framework for local plans based on the substantive outcomes described above and not simply process.
- Set out the performance criteria development will be expected to meet in the absence of local plans and for the presumption in favour of sustainable development to be applied.

The RTPI believes that as a policy document the draft NPPF should be subject to an Appraisal of Sustainability. Spatial planning (planning that goes beyond traditional land use planning, in PPS1 words) is noticeably absent from this section. The purpose of planning expanded should be to demonstrate how it is expected to contribute to sustainable development in more readily applicable ways, in particular the direction and management of development within a spatial context in pursuit of social justice and the public interest. The definition of the role of spatial planning in sustainable development should be expanded.

The RTPI supports the work on the definition of sustainable planning led by Friends of the Earth.

The NPPF suffers from the absence of any clear requirement to address health inequalities and the language is now already out of date. It must be changed so as to reflect the transfer of public health to upper tier local authorities, the creation of Health and Wellbeing Boards and the radical restructuring of commissioning and to ensure that local plans including those produced by district councils are fully aligned with health and wellbeing strategies.

Overall it is very unclear and uncertain how the policies will address in a rational way the regional 'imbalances' that the Government has stated it will tackle. The RTPi reiterates the benefits of the NPPF having a spatial component and including a vision for the Nation.

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)

The RTPi does not feel that this additional test is especially useful, as it is already covered by the others. To be positive the plan will have to be both justified and effective; to be consistent with national policy and enable the delivery of sustainable development it would have to be positively prepared.

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

Strongly Disagree



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

We believe that further consideration is required on meeting the challenge of supra local issues. The following issues have been raised in relation to planning across boundaries:

- What status will the supra-local strategies have?
- How will the timing of these and local plans be coordinated?
- How will they be resourced?

Para 19 - The RTPI welcomes the statement that planning should be “genuinely plan-led”.

Para 21 - There appear to be some inconsistencies in relation to the various references to ‘local plans’ and ‘Local Development Frameworks (LDFs)’. Para 21, in particular, is inconsistent in referring to “a local plan” (which can be reviewed in whole or in part) and then that additional development plan documents (DPDs) and supplementary planning documents (SPDs) should only be brought forward where justified – i.e. it mixes local plan and LDF parlance as though these are interchangeable. This is also inconsistent within the Local Plan Draft Regulations. The RTPI feels that the position regarding SPDs requires further clarification

Para 21 - The RTPI feels that further clarification is required on several aspects of this paragraph:

- Why only one local plan?
- Who decides whether the preparation of additional development plan documents is “clearly justified”?
- Should it not be up to the local planning authority what documents they intend to produce? Otherwise, why remove the need for development plan schemes to be submitted to the Secretary of State?
- The discouragement given to the production of SPDs runs counter to the section of the NPPF on design.
- What has happened to the idea of establishing a clear strategy in a Core Strategy?

Para 23 – Further clarity is needed on whether the local plan is intended to be primarily a “strategic” document, as this paragraph suggests.

Para 24 sets out the role of “local plans”. Since it is the NPPF’s default approach that there should be only one local plan, the RTPI is concerned that the plan making proposals could be construed as a return to the previous development plan system, i.e. site specific district wide local plans. We acknowledge that plan making has been too slow across the country to date but we do not agree that the solution to this is to prescribe a 1991-era local plan for all areas. The proven benefit gained from using a strategic approach in core strate-

gies would be lost and plans would be bogged down in site specific detail with all the attendant difficulties and disadvantages that they entailed. It should be for local planning authorities to determine which is the most efficient way to deliver the plans needed to meet the objectively-assessed needs of their areas.

Our parallel response on the Local Development Regulations reiterates our concerns in this regard. We also refer to the problems that the Regulations and the NPPF would pose for plans in the course of preparation at present, which run the risk of failing to comply with this “one-plan” approach. Notwithstanding our concerns regarding a one-plan approach we certainly would not wish to see any current work placed in jeopardy.

Para 25 – This paragraph suggests that local plans need to reflect adopted neighbourhood plans and is not consistent with **para 50** which states that neighbourhood plans should be in general conformity with the strategic policies of the local plan.

Para 26 - States that “It will be open to local planning authorities to seek a certificate of conformity with the Framework”, it is not clear whether this step is optional or not.

Para 31 - Consideration should be given to sub-nationally significant infrastructure, i.e. infrastructure which is important to a wider regional area than just the local planning authority area but may not be strictly speaking of 'national' significance. This can include some fairly quasi local matters such as secondary school provision, which operates across local authority boundaries.

Para 32 - It would be helpful to set out in this paragraph how Minerals Plans will relate to local plans, for example, will they still both be part of an “LDF”?

Para 34 - Environmental Assessment: This paragraph should be re-titled as “sustainability assessment”.

Para 36 - Mentions ‘higher level policy’. Clarification is required on what policy this is referring to.

Para 38 - The draft NPPF raises the priority to be given to health and well-being within the planning system, something the RTPI welcomes. We are encouraged by the reference to health and well-being, requiring local planning authorities to work with public health leads and health organisations to address local health needs, as we feel that this will strengthen engagement between planning authorities and Directors of Public Health.

Para 52 – Clarification is required regarding the need for sustainability appraisal in relation to neighbourhood plans

General comments:

It is necessary to map how plans will fit together.

We refer to our introduction and summary for further comments in

relation to 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)

The “weight approach” set out in the draft NPPF and referred to in our introduction 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.

Para 54 – The development management process should not be applying different weights to those in the local plan. See our comments on the “weight approach” under the heading “Language” in our introduction and summary.

Paras 56-58 – The draft NPPF does not put enough emphasis on developers to enter into pre-application discussions but there is a lot of emphasis on local planning authorities to do so. This should be amended.

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

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

In view of the importance of this issue the RTPI prepared a discussion paper entitled **Producing Planning Guidance through a sector-wide approach** dated 20th September 2011 examining how planning guidance can and should be produced and disseminated at a time both when there is a clear need for current guidance as the planning system undergoes fundamental reform and when the Department of Communities and Local Government (DCLG) is committed to reducing its involvement in the provision of such guidance and to encouraging the sector to take on a greater role.

Further work on the provision of guidance under a new regime should draw up a set of criteria to indicate where Government and cross-sectoral guidance is needed. It is thought that any test would include:

- Where there is a cross-sectoral call for guidance;
- Where there will be contention and/or significant errors if there is no guidance;
- Where the lack of guidance would lead to the same issues (including methodological issues) being revisited on a case-by-case basis – leading to delay;
- Where an absence of guidance would lead to uncertainty for those using the planning system, including, for example, local groups engaged in neighbourhood planning and investors in development – with that uncertainty increased by the possibility of legal challenge;
- When a lack of guidance will bring the planning system into disrepute
- Where the lack of guidance or conflicting guidance increases costs.

The starting point is that guidance which constitutes a statement on Government policy should be prepared by or for and issued by Government who will need to resource or fund its production. We suggest all other guidance falls into one of 2 groups-guidance prepared collaboratively and guidance where individual organisations can and do provide it mostly commonly best practice style guidance there are just two categories of who should provide guidance.

The RTPI believes there is guidance which should be produced on a cross sectoral basis. In some cases, notably with guidance on methodology such as Strategic Housing Market Assessment (SHMA) methodology, the gaining of cross sector support would be the crucial element in the process and would be more important than the fact that guidance did not emanate from Government. This raises the questions, should such guidance be endorsed in some way by DCLG? Its use would clearly be strengthened if it was but the desirability of gaining DCLG endorsement should be offset by the possibility that this could lead to an iterative process of DCLG suggested changes leading to the need to get sector approval for successive

drafts.

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

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

The RTPI recognises the critical role planning has in economic growth, but it is not obvious from the NPPF how decision makers will be expected to weigh up the different competing interests in land and property.

Para 13 /14 - NPPF conflates “sustainable development” with “sustainable economic growth”. 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. 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. Our suggested revision paragraph 14 will assist in giving clarity to the issue .

Para 71 - Compared to PPS4: Planning for Sustainable Economic Growth the NPPF is much diluted and less specific, leaving scope for ambiguity and bad decision making. It would be helpful to include more detail from PPS 4.

Para 73 - Good, high quality transport and other infrastructure is vital to supporting economic development, and a reference to this could be added in this section. Local plans need to clearly set out strategic priorities and policies on housing and economic development requirements, provision of commercial development, provision of infrastructure (transport, waste, telecoms etc), provision of health, security, community infrastructure and other local facilities and the environment, guided by core land-use planning principles.

Para 77 - The presumption in favour of sustainable development, if sufficiently clarified and with full local plan coverage, will give businesses more of the certainty they need before they risk their

money on new projects, where these deliver local growth and new jobs.

Para 81 - The section on the rural economy is very brief, for example it does not include the references contained in PPS4 to controlling economic development in open countryside beyond settlements. This may make it hard or resist developments which have an adverse impact on the environment. Also the removal of environmental protection puts countryside character and habitats at increased risk from development.

General comments:

There is an opportunity to encourage groups of LPAs to agree joint spatial planning strategies for areas that correspond with the new Local Economic Partnerships so as to ensure alignment with their economic development strategies. There has been a reduction in the level of support for economic growth and Business development support as a result of budget cuts and the disappearance of a number of organisations.

The NPPF could be expanded to cover tourism's role as an economic sector, both nationally and locally - in many localities it is the most important business sector. It needs to be qualified with restoration of necessary environmental protection clauses. Paras 3.18, 3.19 and 3.24 in the Good Practice Guide on Planning for Tourism (DCLG, May 2006) set out some fundamental principles that could be inserted in the NPPF.

The NPPF as drafted does not reflect the role of culture in economic growth and vitality. It should also recognise the importance of historic buildings and places in delivering economic development and regeneration (our response to Q16 refers to the importance of the historic environment).

Local authorities need to have the right incentives to approve sustainable development in their area and mitigate its impact. For example, we commend the government's consideration of retention of business rates.

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?

We commend consideration of market signals in plan making and decisions.

General comments:

A realistic assessment of the amount of development which the area can take, should consider environmental, social and infrastructure factors and ways to overcome any barriers to growth. Employment Land Reviews (through which local authorities can assess the suitability of sites for employment development, safeguard the best

sites in the face of competition from other higher value uses and help identify those which are no longer suitable for other uses) could be used for this.

Evidence from investment enquiries, both locally and wider inward investor interest needs to be assessed and considered if there is adequate space to meet future business needs. The key market signals are around an assessment of property market demand for commercial and industrial activities, which can be drawn from enquiries, planning applications and particularly from a survey of local property agents

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

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

The RTPI believes that “town centre first” has been a successful policy which has benefited communities and does not support moves away from this.

Para 76 - The RTPI believes that retail diversity creates employment opportunities and contributes to local distinctiveness and vitality. We recommend that this paragraph be amended to read “Planning policies should be positive, and promote town centre environments and retail diversity within that town centre”, and the first bullet point to read “recognise town, district and local centres as the heart of their communities and pursue policies to support their viability, vitality, diversity and character.”

Para 77 - There is little spatial dimension to the policies, and 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. In particular, the removal of office development from the sequential test weakens the much more sustainable “town centre first” policy approach.

Paras 76-80 & 126 - Section 126 (Sustainable communities) refers to local shops and established shops. However the need to protect local shops and local centres is not reflected in **paragraphs 76-80** on town

centres and retailing.

Transport

The policy on planning for transport takes the right approach.

7(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"/> |

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

The RTPI is supportive in principle of the NPPFs objectives to promote sustainable transport, reduce emissions, reduce the need to travel, promote a healthy lifestyle and facilitate economic growth. However, we have set out a number of points which will help strengthen this section of the NPPF. In particular we feel that the focus on sustainable transport should be strengthened, and are concerned that the proposals in the NPPF could hinder modal shift in new development.

Paras 82-84 – There should be a stronger focus on sustainable transport in the draft NPPF. The NPPF should increase the emphasis on promoting accessibility by sustainable transport modes such as public transport, walking and cycling.

Paras 82-84 – The social role of transport should be given a stronger focus in the NPPF. Pedestrians and public transport are mentioned in Para 89, but more needs to be made of the social objectives of transport.

Para 82 - We believe that there is a lack of a strong statement about the need to promote active travel as a means of improving health.

Para 85 – there are no specific requirement for the Development Plan and Local Transport Plan to have complementary policies. The RTPI believes that the alignment of transport and land-use planning policies is essential and can lead to enhanced connectivity, access, more sustainable transport solutions, and will help to ensure that the economic benefits of transport are realised.

Para 86 - The NPPF sets out that thresholds for requiring a Transport Assessment will be set locally, this gives less certainty to developers.

Para 87 - Account should be taken of the local and wider effects of airports on the economy. In an island economy the links airports provide as international gateways for both passengers and freight are vital for both economic and social reasons.

Paras 87 (& 33) - There is no reference of aerodrome safeguarding policy in the NPPF (as per Circular 01/03).

Para 89 - The provision of social transport, including transportation for schools and social care is not adequately covered in the NPPF.

Para 89 - The omission of maximum parking standards from the draft NPPF could make it more difficult to encourage modal shift in new development.

Paras 91-93 - There is a lack of a strong emphasis on reducing the need to travel especially by car. Amongst other issues, this is may make it more difficult to encourage modal shift in new development.

General comments:

We feel there is a risk that LDF core strategies as they stand will not include sufficient detail to provide a supportive policy context for sustainable transport. Where there is no approved core strategy or the approved one does not comply with NPPF there is a risk that development may receive consent by default, in an uncoordinated way and in areas not accessible by walking, cycling and public transport. This may also lead to issues of increased traffic congestion.

As with the wider NPPF this section would benefit from the use of firmer and clearer language.

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 | X |
| Strongly Disagree | <input type="checkbox"/> |

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

The RTPI feels this policy is generally consistent with Planning Policy Guidance 8: Telecommunications. However, there is less clarity or

guidance as to how the policy should be implemented or how the aspirations of the policy should be achieved, other than through supportive local plans. We have also identified a number of other areas that require further consideration.

Para 95 - There is no guidance on how the development of high quality communications infrastructure is to be achieved, for example, what is the connection between the NPPF and the Draft National Infrastructure Plan (NIP) and how will the NPPF help in delivering its objectives. The NIP contains two pages of policy on telecommunications, some of which is spatial, notably in its intention to prioritise rural areas with currently poor provision. This is not reflected within the draft NPPF.

Paras 96-97 - There is no/limited reference to issues around design, health and noise, the most controversial aspects of communication mast development. We believe that the advice previously contained in PPG8 could be reinstated and brought up to date, or issued as separate guidance.

Paras 96-97 - More consideration should be given to the protection of areas with specific designations such as Conservation Areas, the Green Belt, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest (SSSI), and areas and buildings of architectural, historic or landscape importance. As well as areas with inhabiting of rare species.

Paras 96-97 – The chapter on Digital Communications in the Draft NIP confirms that policy effective communications strategies are unlikely to conform comfortably with local authority boundaries. Private sector providers plan at a national and regional/sub-regional scale and planning policies should reflect this. It is therefore essential for cross-border collaboration to be advocated as part of an effective policy approach by local authorities.

Paras 96-99 - Telecommunications policy in urban and rural areas will be significantly different both in terms of provision and methods of control. At present the NPPF fails to recognise this.

Para 99 - We emphasise the importance of taking full account of environmental impacts when determining planning applications for communications development.

General comments:

This section of the NPPF does not recognise the positive possibilities of communications development, particularly in respect of regeneration, economic development and reducing the need to travel. The NPPF also does not recognise the potential for communications strategies to contribute to sustainable development.

Detailed guidance or advice is absolutely essential to enable local authorities to benefit from best practice. The provision of communications infrastructure is a complex and specialised area and few local authorities will have sufficient resources to support staff with this

level of expertise. Consequently detailed guidance to local authorities is required if the objectives of the NIP are to be achieved.

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 | X |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Minerals planning is one way in which planning contributes to economic growth and the RTPI welcomes the recognition of its role. We do however have some concerns and have identified areas where further clarification is required.

Para 9 - This implicitly endorses the validity of mineral working in support of the economy (including construction and manufacturing).

Para 14 - The RTPI is concerned that the “out of date, silent or unclear” presumption could be problematic as there is plenty of scope to argue wider sustainability principles would be breached. The reference to “silent” may encourage authorities to try to cover everything, further slowing down the pace of plan-making.

Para 19 - The second bullet point offers useful general support for both minerals and waste development, but may conflict with “localism”. The third bullet point could be supportive of aggregate landbanks if the “local” issue can be resolved, as it must be in a new affirmation of principles for managed aggregates supply. Concerning the eighth bullet point, this would be relevant to the location of a new generation of strategic hard rock quarries as most of the present sites are worked out over the next 30 years.

Para 24 - The reference to “longer term requirements” is crucial for minerals especially in the context of “adequate and steady supply” notably of aggregates, but some clarity is needed on what this would mean.

Para 26 - “Certificates of conformity” could prove problematic to the pace of plan-making. Existing plans may not be easy to find “conformable” with the numerous requirements in the NPPF.

Para 29 - Though primarily written with housing, retail and commercial development in mind, these principles apply equally to the land required for mineral working whether in unitary plans or county mineral plans.

Para 32 - This is welcome in setting an orderly evidence-based approach to mineral planning. It may also be necessary to rely on the general business requirement to hold consultations with mineral operators. However, we have some concerns about how this paragraph sets the context:

- “Need” would be better than “demand” in this context, recognising the importance of minerals to the economy;
- At this general level it would also be appropriate to add a reference to recycled and alternative material;
- The reference to LPAs ignores the fact that counties are mineral planning authorities in two-tier areas;

Para 48 - While “local” is the natural label for these plans its interpretation could be problematic – hence the emphasis on the “duty to co-operate”. Development may be required to serve needs elsewhere or nationally, as is usually the case in mineral working. It is not clear how in the case of minerals authorities with no, or insufficient” resources can meet “unmet” requirements that only other authorities with those resources (or potential) can provide.

Para 49 - Minerals development is excluded from neighbourhood plans by Part 1 to Schedule 9 of the current Localism Bill by virtue of being a “County Matter” in the Town and Country Planning Act 1990.

Para 56 - This is particularly important in minerals where expensive assessments (almost always environmental impact assessments and frequently strategic flood risk assessments, flood risk assessments etc) are required.

Para 72 - This could be important as the search for new strategic aggregate sites gets under way to replace expected loss of major units over next 30 years. It means the potential value of mineral working to rural economies will need to be taken into account.

Para 82 - These provisions would be important in the location of future mineral development. In the case of new strategic aggregate sites to replace the expected loss of major rail-served capacity over the next 20-30 years these provisions will be particularly significant for the areas outside National Parks, AONBs and other protected areas, because if the degree of protection is increased in those areas, notwithstanding positive factors, such as location relative to rail routes and markets, extra weight would need to be given to the economic and social benefits of mineral working in other areas, particularly where well-located relative to the rail network. This should add weight to the case for locating major new strategic minerals sites close to the existing rail network.

Para 101 - It is not clear how bilateral deals between mineral “deficit” and “surplus” authorities will lead to an optimum pattern of distribution, or interact with any future system of Managed

Aggregates Supply. A proper national system is needed. Will there be any future Guidelines on the future of Managed Supply?

Landbank policy is central to aggregates supply and these sections need revisions to preserve the existing provisions and then deal with the question of possible application to other minerals and any genuine operational issues. This also confuses site allocations in plans with permissions – it is permissions that create landbanks.

Para 102 - The “as far as is practical” caveat is an essential qualification which substantially maintains the present position. The text on the complex subject of mineral safeguarding areas is very brief. Is DCLG going to publish or issue for consultation the draft guidance prepared for it by British Geological Survey in 2010? This is a highly significant section setting out for the first time in policy a list of nationally important minerals (though in practice fluorspar is almost exclusively likely to be worked in the Peak District National Park). There may be arguments for extending the list, though viable candidates could be limited. However, tungsten ore, now likely to be worked in SW Devon, could be a candidate for addition.

If “health” is to be mentioned it should apply to all development. “Prompt” might obscure the key point that restoration should also be progressive during the working phase. The reference to aviation safety is to the risk of bird-strike which can be associated with restoration to areas of open water.

Para 104 - The references to Coalbed Methane, Abandoned Mine Methane and Underground Coal Gasification are not preserved. Is this a policy change or an accidental omission?

This reference to underground storage of gas is a new provision not in existing planning policy and rather curious since it seems to cut across the responsibilities of the Health and Safety Executive, the Environment Agency and Department of Energy and Climate Change’s (DECC) Oil & Gas Directorate.

This maintains the core policy in Minerals Planning Guidance 3 (MPG3) (Para 8, (i) and (ii), with the interesting addition of the word “national”. This further confirms coal as a nationally important mineral, and that could well prove controversial. The additional MPG3 tests in Para. 8. (iii) and (iv) on general mineral proposals in National Parks, AONBs, SSSIs and National Nature Reserves, and the specific additional Green Belts test for coal proposals in 8(v)/para. 36 have disappeared. This may also be contentious, though it may have been assumed to be covered by the general protection of such areas elsewhere in the draft NPPF.

Para 148 - Detail/definitions of the hierarchy of flood risk areas need to be stated, or a pointer given to where this is set out (at present in full in Planning Policy Statement 25: Development and Flood Risk). At present the text is not self-supporting. Is this to be left to the Environment Agency?

Para 171 - A large amount of detailed material has been compressed into a few paragraphs: Planning Policy Statement 23: Planning and

Pollution Control and its annexes on air and water pollution, Minerals Policy Statement 2 (MPS2) and its research-based Annexes on noise and dust emissions in mineral working, Planning Policy Guidance 14: Development on Unstable Land and its annexes on land stability and subsidence and Minerals Planning Guidance 5 (MPG 5) on the stability on mineral workings and tips. A key question will be where LPAs, developers and others are to go for the authoritative research-based technical background material to inform value judgments about matters where there is always likely to be argument between developers and local objectors. There is scope for dispute about the identification and mapping of “tranquil areas” and whether the selection criteria for them might be used as an anti-development tool.

General comments:

We welcome the fact that Planning Policy Statement 10: Planning for Sustainable Waste Management remains in force. However we note that MPS2 (controlling and mitigating the environmental effects of minerals extraction in England), which covered the important issues of noise and dust will be cancelled. It could be problematic to have LPAs writing their own standards for noise and dust and for it to be different in each area.

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 | X |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

The delivery of sufficient and appropriate housing in many locations will rely significantly on the new ‘duty to co-operate’ and there is a danger that the mechanics of this will overshadow the challenging sustainability issues of good design, zero-carbon and place-making.

Para 109 - It is important that there is consistency in the preparation and use of an evidence base. In this context it is essential that the Government guidance for the preparation of strategic housing market assessments and strategic housing land availability assessments - referred to in **para 28** - is maintained and updated rather than being withdrawn. It is neither cost effective nor helpful in terms of consis-

tency of planning decisions to leave the development of methodology for evidence base assessment and analysis to 335 individual local planning authorities. We have joined with other relevant bodies in making a separate submission on this point specifically.

While the general NPPF requirement to plan across boundaries is very sensible in principle, it will not help to deliver sufficient housing unless the relevant criteria for the boundaries across which housing market planning must be done are spelt out.

Since **paras 44-47** on planning strategically across local boundaries do not include specific references to Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments, reference ought to be made here to the use of the 'duty to co-operate' in meeting the specified requirements.

The requirement to identify a land supply of 5yrs + 20% is not later picked up in **para 110** where the reference is to "an up-to-date five-year supply of deliverable housing sites". It is therefore unclear whether the required extra 20% will or will not make all current and drafted local plans out-of-date.

Para 111 - The RTPI supports the removal of the national 15 minimum site threshold for application of affordable housing requirements, as this has in practice limited the provision of affordable housing on smaller sites..

Paragraph 30 of the current PPS3 implies that LPAs can make other provisions for sites solely for affordable housing by a local plan allocation. We hope that this opportunity will not be lost, and would like this to be clarified.

Para 112 - The RTPI does not support the apparent removal of the rural exception sites policy. We want to retain this policy which ensures that, where development capacity is severely constrained, such capacity is used to provide affordable homes for households who need, in terms of employment or family connections, to live within an area. LPAs can continue to have policy for exception sites in their local plans if such sites are included in the NPPF.

Paras 111 and 112 should emphasise the importance of good urban design in creating high quality housing for a wide range of needs.

General comments:

The draft NPPF contains no assessment of national development requirements arising both from demographic change and from the inequitable distribution of current housing and infrastructure. The RTPI is concerned that this approach will not generate the most effective use of the country's resources in terms of land and development capacity.

While planning policy needs to reflect market circumstances, "market trends" are not necessarily a sound basis for decisions as to land use allocation, as public planning bodies need to take a longer term view

of development requirements. The extent to which development activity collapsed during the recent recession has demonstrated that the market does not always make the soundest judgements as to the economic sustainability of specific development proposals.

The RTPI supports the proposal that LPAs should undertake a review of green belt boundaries, to enable the identification of sites which do not and cannot fulfil the objectives of green belt designations, but which may enable the achievement of appropriate, sustainable residential development.

The RTPI welcomes the housing design references in the design section of the NPPF but recommends that the housing section should include minimum internal space standards for all new development, together with requirements for external space including children's play-space.

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 checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

The RTPI supports local authority engagement in pre-application discussions with promoters but is concerned about the requirement for local authorities to attach "very significant weight" to the desirability of establishing new schools.

Para 127 - The RTPI maintains that "very" significant weight should not be attached to the desirability of establishing new schools, as this distorts against other policy aims of the NPPF.

General comments: One of the main planning issues with new school proposals is the impact of parents picking up/dropping off children and school bus parking. Free schools are likely to draw pupils from a wider geographical area than most schools and so this issue should be mentioned.

There is no mention of the need for playing fields, playgrounds or other sport or recreation facilities. Would the lack of adequate

provision be an adequate reason for refusing permission?

The RTPI believes that the delivery of schools development is best managed through the plan making process – in particular the necessary background work on infrastructure planning. Our parallel comments on the Local Development Regulations emphasise the need for the planning of school places to be coordinated with the planning of housing growth.

We strongly support local authority engagement in pre-application discussions with promoters to ensure that adverse impacts from schools development are identified and tackled at an early stage.

Schools are best provided by enabling communities to manage competing interests for land through the development plan system, rather than removing communities' discretion through permitted development. The correct approach is to encourage a positive attitude to school development through planning policy.

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)

Professionals are looking to the Government for leadership in safeguarding and encouraging great quality in the design of development. The importance of local distinctiveness and tailoring local planning policy to local circumstance is vital to maintain the diversity of townscape and energy which we benefit from in our cities, towns and settlements. In this respect the country's ever changing and different needs for the planning system must be accommodated. It cannot be a 'one size fits all' approach.

Para 116 – This paragraph would benefit from an additional bullet point on healthy environments, for example “create healthy living environments that enable and support active lifestyles as the norm”.

Para 117 - This paragraph appears to focus primarily on buildings rather than places. Reference to urban design considerations such as connectivity and enclosure should be included.

Para 121 - The inclusion of the word “obviously” appears to lower the threshold for design. We recommend this paragraph be re-phrased.

Para 122 – This paragraph sets out that developers only have to engage with local communities; however developers should be demonstrating that they have reflected local community needs and aspirations and responded to objections and concerns. There is a great deal of inconsistency in the engagement and consultation process and the system could benefit from greater prescription.

General comments:

There is no emphasis on the quality of the *Public Realm* within the draft NPPF, which is essential if we are to design attractive urban areas.

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 type="checkbox"/> |
| Strongly Disagree | X |

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

This section could severely weaken the role of Green Belts in protecting the environment.

Para 131 - The RTPI believes the reference to Green Belt should include Metropolitan Open Land.

Para 135 - Gives a welcome stronger steer for local planning authorities “to plan positively to enhance the beneficial use of the Green Belt”. The indicative list of positive opportunities should also include agriculture and forestry.

Para 142 - Clarification is needed on how the NPPF’s presumption in favour of sustainable development will apply within Green Belt areas.

Paras 141-144 - Guidance on the treatment of existing villages in Planning Policy Guidance 2: Green Belts, has been removed. The NPPF includes villages in the Green Belt where their open character contributes to the Green Belt and it is necessary to prevent development, it also refers to permitting limited infilling in villages. It

is unclear how these two approaches will operate together.

Para 144 - The distinction between “washed over” and “inset villages” has been removed, providing flexibility for local planning authorities to set infill policies and boundaries, but potentially leading to a greater amount of infill development.

General comments:

The NPPF should be accompanied by a map showing the extent of Green Belts, as their location will not be clear once PPG2 has been withdrawn. This should include details why it was designated, as the reason for including land in Green Belts differs from place to place.

The RTPI is concerned that other sections of the NPPF, i.e. Para 13, ‘the presumption in favour of sustainable development’ could be an unforeseen threat to the preservation of Green Belts. There is nothing in the description of the presumption to suggest that development in Green Belts is unsustainable, therefore, if there is no up to date local plan there is no reason in principle to suppose that permission shouldn’t be granted.

The RTPI is very concerned that the requirement for an additional 20% of housing to be within the 5 year land supply could mean that Green Belt boundaries are again at risk, because local planning authorities in towns surrounded by Green Belt have no available brown-field solutions which can be brought on stream promptly to provide the 20%.

The Ministerial foreword states: “Green Belt land that has been depleted of diversity can be refilled by nature and opened to people to experience it, to the benefit of body and soul.” However, not enough emphasis is placed on enhancing the Green Belt for multiple benefits.

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 | <input type="checkbox"/> |

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

Climate change is treated as a cross cutting issue in the PPS 1 supplement. The NPPF narrows ambitions about climate change by putting it in the planning for places category. To restrict climate change in this way is a retrograde step. This may be due to the pressure for brevity, because later there is mention of these other policy areas.

Para 148 - The March 2010 draft PPS refers to the transition to a low carbon future, whereas the NPPF uses the more restrictive low carbon economy, which appears to have an effect of narrowing mitigation to only one area of sustainable development. This should be changed to the draft PPS wording. The draft PPS also has specific reference to the use of decentralised energy, reducing the need to travel and the fullest possible use of sustainable transport.

The four aims are a rewritten page 15 of the March 2010 draft PPS, but without the clarity of the guidance in the previous 5 pages. This has a perverse effect of wanting the planning system to meet radical greenhouse gas reduction targets, without access to a common methodology. For example, to assess the capacity for renewable energy without a secure evidence base for understanding the potential for supply and demand opportunities for renewable energy will be difficult to implement or justify at Examination in Public.

Para 150 - Given that many nationally described building sustainability standards are set out in existing policy e.g. PPS1, PPS1 supplement, PPS12 etc. This should be changed to read "...and adopt nationally described standards set out in this NPPF" bearing in mind the intention is to abolish most policy guidance and replace it with "around 50 pages" (Clark page vi) of national policy.

Para 151 - It is essential to recognise the importance of urban design in creating sustainable places. As it stands this policy potentially provides a route to off-the-peg designs to be imposed in different localities, without consideration of local circumstances. There is no reason why sustainable development should not be designed for the specific locality.

General comments:

Whilst the NPPF should state the carbon reductions required by statute, it would also be

Having started with a reference to the 80% carbon emissions reduction target in the Climate Change Act, the NPPF should also refer to the target (in England) of zero carbon housing by 2016 and to a realistic assessment of the additional build-cost (estimated at about 25%) which is likely to be necessary to bring this about. It should also be clearly acknowledged that the new development planned over the next 15 years will not in itself have a material effect on meeting these targets.

As the carbon saved in the early years of the required carbon descent is most important, the NPPF should make it clear that the planning system and development industry should take full advantage of every currently available measure.

It should be recognised that planners' do not have the instruments available to them to build the necessary low carbon transport system.

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

14(c) 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"/> |

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

The policies on renewable energy cannot be effective without being fully joined up to other areas of Government policy.

Para 152 - Bullet point 1 – The RTPI would question why deep geothermal energy is highlighted in particular. The emphasis should be on making an assessment of the most appropriate technology for the development.

Bullet point 2 – This principle of **maximising** renewable energy subject to satisfactorily addressing effects is supported. The words 'mitigated against or' should be added after 'are'.

Bullet point 3 – it is considered that further guidance should be provided within the main text in relation to the Broad Areas of Search, as this detail is currently only set out in a footnote. This additional text should make clear that where broad areas for renewable energy development are identified this should be as a result of using consistent, clear and reasonable criteria which are consulted upon by the industry. In addition, it should be clear that there is no presumption against development outwith such areas of search, and these projects are assessed on their own merits against criteria set out in policy. The links with the criteria in the NPS (as in footnote 8) should also be made more prominent and referenced in the main text.

Bullet point 5 - The RTPI supports this policy, but would strengthen it by suggesting local planning authorities identify and 'promote' opportunities.

Para 153 - Bullet point 1 is supported and should be retained in the final version of the NPPF.

Bullet point 2 – This refers to 'opportunity areas'. For consistency with para. 152 these should be called 'Broad Areas' of Search

General comments:

This section doesn't take account of the resource implications for LPAs of using, promoting and assessing new and complex technologies.

No targets have been set for increasing the use of renewable and low carbon sources of energy in the NPPF. This means that a real 'push' for increasing their use is missing. There should be a clear link with national targets for renewable energy production and reduction in CO2 emissions.

The NPPF needs to take account of policies and initiatives from other Government departments. For example, DECC is currently completing a region by region assessment of the capacity of renewable and low carbon energy generating capacity on a standard national methodology. Also will carbon pricing from DECC have an influence which will be helpful to planning?

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)

The RTPI generally supports the positive stance taken in this section to encouraging renewable energy sources.

Para 153 – The NPPF should more clearly state that renewable energy projects should be judged against their potential effects upon significant social, economic and environmental assets which they should not always override.

General comments:

The NPPF should include opportunities to apply low carbon criteria in the case of existing development when proposed change becomes a development management matter. Areas that this might cover would include the renovation or redevelopment of properties incorporating higher thermal insulation/ carbon efficiency standards and the retrofitting of energy infrastructure to buildings within existing built-up areas.

Additional information should be provided on the criteria to be used when identifying 'opportunity areas' or 'broad areas'. A link to the NPS within the text would be useful in this respect. The NPPF should be clear that outside 'opportunity areas' or 'broad areas' renewable energy schemes will be assessed on their own merits, and permitted subject to environmental, economic and social impacts being satisfactorily addressed.

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

14(g) Do you agree?

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

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

The NPPF has picked up most of the main policy messages in PPS25 and its supplement. However there is a great need for technical guidance to support the flood risk and coastal change policies.

Para 155 - Producing a Strategic Flood Risk Assessment for each separate local authority area appears to be a poor use of time and resources, because the flood risks may well be caused at some distance from the effects, and wider solutions and options could be cheaper and more effective. The NPPF should complement the plans required under the Floods Risk Directive and /or encourage local authorities to produce joint Strategic Flood Risk Assessments (SFRA) based on catchment areas, or on areas agreed with advice from the Environment Agency.

The NPPF doesn't refer to the risks of flooding from sewers, which was being addressed though Surface Water Management Plans. These could incorporate sustainable drainage systems, both key issues for planning development and adaptation to climate change.

Para 156 - Footnote 9 should refer to the sequential test steering development to the areas with the lowest probability of flooding ignoring the presence of defences. The Environment Agency's Flood Zones will provide the basis for applying this test.

Para 157 - Footnote 11 relates to the existing PPS25 text and includes reference to flood zones 1, 2 and 3 and critical drainage areas. These need to be defined in the NPPF in order for people to understand them. A revised practice guide could set this out.

General comments:

The RTPI does not believe that extensive use of footnotes is the right way to deal with these issues. If the footnotes are policy, they should be integrated into the text.

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)

The wording of this section needs to be made more positive to ensure protection and enhancement of the natural environment.

Para 163 - It is important to clearly define what is meant by 'a healthy natural environment'. This could be a useful point to bring in the term 'ecosystem services'. These supply our air, water, food, biofuels, timber and the healthy benefits of exercise and relaxation.

Para 164 - The words 'aim to' should be removed to make the policy more positive. It is important to define what is meant by 'valued landscapes'. A reference to geo-diversity and soils assessment in the stated objectives for the natural environment should also be added. A more positive reference should be made to management and enhancement rather than simply to preventing harm. On the second bullet point, the words 'where possible' should be removed in order to strengthen the positive stance.

Para 166 - There isn't a hierarchy for importance of landscapes, except for the designation as National Parks and AONBs. Under the EU Landscape Convention, all landscapes must be considered within Landscape Character Assessment. This is in line with good practice and past investment by local planning authorities in developing a Landscape Character Assessment evidence base. This should be included in the NPPF.

Para 167 - The strategic emphasis on green infrastructure and protection of the undeveloped coast are strongly supported.

Bullet point 3: There is a need for stronger protection of the best and

most versatile agricultural land (grade 1, 2, 3a). Once built on agricultural land is lost for ever so it should only be in exceptional circumstances that we build on good quality farm land rather than just "take into account" which is rather weak. The Best and Most Versatile policy needs to be at least as strong as in PPS7.

Bullet point 4: The 'conservation of wildlife and cultural heritage' should include AONBs alongside National Parks and the Broads. The NPPF should more fully reflect the highest status of protection for National Parks, the Broads and AONBs as outlined in PPS7. The impact of development outside the boundaries of National Parks and AONB should be a material consideration, as in PPS22. This could best be addressed by seeking a cross reference to the duty that already exists on all public bodies under section 62.2 of the Environment Act 1995.

Para 168 - No mention is made of Ecological Restoration Zones, although there are two references to 'ecological networks'. It does not account for the important role that spatial planning and distribution of development has to play in restoring, maintaining and degrading ecosystem services. There should be a sharper reference to ecosystem services that includes a clear definition of them. In bullet point 3: the word 'preservation' should be replaced by 'conservation'. Bullet point 4: should replace 'geological conservation' with 'geo-diversity conservation', adding the need to conserve and enhance sites of geological and geo-morphological importance. There is no mention of the important UK designated Sites of Special Scientific Interest.

Para 169 - Reference to soils and geo-diversity should be added to the list of principles. Bullet point 3: could be strengthened by replacing 'encouraged' with 'taken'. Bullet point 4: the words 'unless the need for, and benefits of, the development in that location clearly outweigh the loss', should be removed. As this section is about 'irreplaceable habitats', the links with EU directives and policies are supported, but the NPPF needs to be more in line with Planning Policy Statement 9: Biodiversity and Geological Conservation, particularly over enhancement, protected species, local sites and SSSIs.

Para 169 - The first sentence should be amended to aim to conserve, enhance and 'restore' biodiversity.

Para 170 - This could be more clearly worded to state that 'Development that will have a significant effect on sites protected under the Birds and Habitats Directives will be refused.'

Para 171 – This should also refer to light pollution and air quality.

Para 173 - Light pollution should be added to the list. In bullet point 3, the words 'and are prized for their recreational and amenity value for this reason' are inappropriate and should be removed.

Para 174 - The RTP1 strongly supports staying in line with EU values and national objectives.

Para 35 - A new Local Green Space designation is expected to complement investment in homes, jobs and other essential services. The absence of any meaningful mention of forests, woodlands and agriculture should be rectified.

The term 'green infrastructure' occurs twice in the NPPF, in the section on 'Climate Change' and again in 'Natural Environment'. While we welcome its inclusion, its importance in delivering multiple benefits is not sufficiently emphasised.

The following terms should be added to the glossary:
Biodiversity; geo-diversity; landscape character assessment; townscape character assessment; ecosystem services; SSSIs ;soil assessment; habitats; natural environment; green infrastructure; green networks.

General comments:

The Lawton Review recommends 'more, better, bigger and joined' ecological networks as well as introducing 'biodiversity offsets.' Considering the spatial nature of biodiversity offsets and the need to strategically identify suitable areas for their creation, they should be included within the NPPF.

The NPPF should include specific cross references to both the Natural Environment White Paper (June 2011) and the Biodiversity 2020 Strategy and also to the emerging marine planning system. The planning system also has a role in delivering the Nature Improvement Areas set out in the Natural Environment White Paper.

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 | X |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

At a number of points it may be perceived that in reducing the wordage of earlier policy the Government is reducing the level of effective protect for the historic environment. Greater recognition of the positive role played by the historic environment and the public benefits that it brings should be evident throughout.

Paras 176-177 - The draft NPPF should endorse the Government's Statement on the Historic Environment for England 2010 or clarify its status and endorse its principles.

Para 179 - As presently drafted, paragraph 179 adds little value to policy and should either be rephrased positively to indicate what sort of areas should be considered for conservation area status or eliminated altogether.

Para 181 - This paragraph should also apply to plan making, as heritage assets will need to be considered when allocations are made.

Para 183 - Although there is a sentence about enhancing conservation areas towards the end of the draft NPPF, the main paragraph relating to Conservation Areas is devoted to advising councils not to designate too many Conservation Areas. This should be amended. We are also concerned that the wording emphasises national designations, but provides weak protection for locally designated heritage, such as conservation areas, over which local communities can have more influence. This could allow developers to ignore local opinion and cause harm or destruction to locally value environments which would appear to be at odds with the Government's localist approach.

Para 183 (and 167) - The replacement of the presumption in favour of the conservation of designated heritage assets in policy HE9.1 of PPS5 Planning for the Historic Environment with the first two sentences of paragraph 183 represents, both procedurally and substantively, a reduction in the level of protection for the historic environment. Furthermore, the terminology used ('considerable importance and weight') is not wholly consistent with that used elsewhere, for instance, in relation to the natural environment ('great weight'). Consistent terminology should be used to avoid any suggestion that the historic environment should be afforded less weight than the natural environment and other considerations.

Para 189 should not be restricted to assets of demonstrably equivalent significance to *scheduled monuments* but should instead refer to assets of demonstrably equivalent significance to *designated heritage assets*. Furthermore, it should be made clear (as did PPS 5) that this paragraph applies to all heritage assets 'whether capable of designation or not'.

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?

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?

General comments: Planning for Travellers

This is a detailed element of policy where all the NPPF principles should certainly apply. Some subject-related guidance would doubtless be welcomed to assure equality of treatment under the final NPPF – including helpful ways to communicate the NPPF expectations to all potential user groups*. However, detailed policy prescription singling out any community group above any other would be seen to be disproportionate. Instead it would be helpful if the NPPF included, at the appropriate place, a specific acknowledgement of the impact of equality requirements that might read as follows:

“In considering new development, regeneration, and reuse or alteration of land and buildings, planning policies, decisions and processes, should actively consider and advance equality of opportunity for all groups protected by the Equality Act 2010, and ensure that the needs of disabled people, where different from others, are met and protected in a sustainable way.”

- In this regard we would comment that the ‘simplified’ version of the draft NPPF was quite inappropriately targeted, was not significantly easier to access and could give rise to yet further confusion over the significance of words and their context. Clarity is unlikely to come from even fewer words but rather from guidance by specialists familiar with the full implications of the formal NPPF – such as RTPI Planning Aid.

ADDITIONAL SECTION: PLANNING ENFORCEMENT

The RTPI is concerned that the NPPF fails to mention the enforcement of planning control and its important role in the development management process.

General comments:

We would like to have seen reference to the role of planning enforcement and compliance particularly since the Planning Inspectorate has issued a statement to the effect that the Framework is a material consideration in the determination of planning appeals – which would include by inference Enforcement appeals.

The consultation document makes it clear that the NPPF will replace PPG 18 Enforcing Planning Control, which set out the basics for dealing with planning enforcement. The absence of any national policy will leave it unclear how LPAs are meant to deal with breaches of planning control, as the question of expediency is currently contained within PPG 18.

The Framework should make reference to the positive role that planning enforcement and compliance can make to delivering thriving local places that meet local aspirations. A key test for the success of Localism will be making sure what the community thought they were getting is what gets built, and that the conditions under which it was allowed are fully complied with.

The NPPF is the instrument to strongly state that getting the development right on the ground (enforcement in its widest perspective) needs to be proactively managed, not be reactive, thus conveying the right messages to developers, neighbours and the wider community.

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.

We view the impact assessment as rather selective in the issues it addresses. In particular, more consideration needs to be made of the costs of revising so much policy in one go. This goes beyond developers and professionals; there are impacts on third sector and voluntary groups and businesses.

We are concerned that the NPPF could provide less clarity and more scope for interpretation. This could result in prolonged negotiations and legal challenges. Clearly, this could have considerable cost implications. Much depends on the scope, status and effective use of

supporting guidance.

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?