

**SOUTH EAST ENGLAND COUNCILS  
EXECUTIVE MEETING**



Date: 30 September 2011

Subject: **National Planning Policy Framework – SEEC  
Response**

Report of: Nick Woolfenden, SEEC Head of Policy Co-ordination

**Recommendations:**

That SEEC Executive Committee:

- i) Notes key issues in the Government's draft National Planning Policy Framework;
- ii) Discusses and agrees key issues to include in SEEC's response to the Government's consultation;
- iii) Agrees SEEC's Chairman should approve the final response so it can be submitted by the deadline of 17 October.

**1. Introduction**

- 1.1 The Government published its draft National Planning Policy Framework (NPPF) on 25 July<sup>1</sup>. It seeks to radically simplify the planning system to help drive forward 'sustainable development' and economic growth. The Government hopes its proposals will encourage local communities to take a positive view towards development.
- 1.2 The proposed changes have attracted wide ranging comment from across the public, private and voluntary sectors. These range from concerns that the proposals will allow development to go unchecked eg National Trust, to positive views that the reforms are critical to support economic growth eg business organisations.
- 1.3 Public consultation on the NPPF runs until 17 October 2011. This paper identifies some of the key aspects of the NPPF for SEEC members' consideration and comment and will inform SEEC's high-level response to the consultation.
- 1.4 The Government is also inviting comments on the draft NPPF via a detailed questionnaire<sup>2</sup> - individual local authorities may be interested in responding to this with more specific local views. Members may also be interested to know that the Communities and Local Government Select Committee is holding an inquiry into the NPPF. Submissions made to its recent call for evidence (now closed) will be available on its website<sup>3</sup> from mid October.
- 1.5 Members are invited to share their own authority's input to the consultation or Select Committee with SEEC's officers following this Executive Committee meeting to help inform SEEC's response – the issues set out in this paper are broadly reflective of the small selection of local authority draft responses we have already seen.

<sup>1</sup> <http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

<sup>2</sup> <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>

<sup>3</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/inquiries/national-planning-policy-framework/>

## 2. Key Issues for SEEC

- 2.1 The Government's aim of removing unnecessary bureaucracy and reducing the extent of top-down control in the planning system is welcome, as is the need for effective sustainable development, to ensure economic, social and environmental needs are met.
- 2.2 However further work is needed to address concerns that aspects of the proposed NPPF will not achieve these aims, and may instead lead to uncertainty and conflict between different parties involved in planning.
- 2.3 Key aspects of the draft NPPF are set out in section 3 below for member discussion to inform SEEC's response to the consultation. **The Government's proposals in the NPPF are summarised in bold, followed by comments on relative merits or concerns for SEEC members to consider.** We have deliberately been selective in which issues are most relevant to a SEEC response, but members are invited to identify any other issues that should be included.
- 2.4 SEEC's response will emphasise that we are keen to work with the Government to help ensure final proposals are implementable and we would be happy to speak further with ministers or officials to this end.

## 3. Draft Consultation Comments

3.1 Suggested points for a SEEC consultation response include:

- i. **Decentralise power as far as possible, removing top-down targets, but with a Duty to Cooperate**
- The principle of decentralisation is welcome, but as with the Localism Bill there is a need to ensure the democratically accountable role of Local Government is clear.
  - Concerns remain regarding the Localism Bill's proposals for Neighbourhood Planning, which may add unnecessary complexity, cost and possible conflict to the planning system– it should be left to local councils to decide how best to ensure local engagement is addressed. The Duty to Cooperate also raises concerns – it should be left to local government to decide how best to engage on cross-boundary issues in Local Plans.
- ii. **Presumption in favour of sustainable development, planning for economic, social and environmental objectives; top priority for reform is promoting sustainable economic growth and jobs**
- Whilst economic growth is very important, the NPPF needs to clarify that all three aspects of Sustainable Development are critical, rather than giving overriding primacy to the economy.
  - It should be made clear in the NPPF that it will be for the Local Plan to set out what Sustainable Development means for its local area and the development required to achieve it.
- iii. **Streamlining national planning guidance (eg PPGs/PPSs), reducing over 1000 pages to around 50**
- Reducing bureaucracy and centrally-controlled guidance is welcome.
  - There will however be need to ensure sufficient policy clarity at the local level to avoid lengthy legal challenges regarding interpretation. The scope or length of Local Plans should therefore not be prescribed by central government, but

rather local authorities should determine the level of detail necessary to ensure issues are adequately addressed.

- iv. **Plan-led approach, and where Local Plans are not up to date or there is no basis for a decision, then there is a clear presumption that permission should be granted unless conflicts with the NPPF**
- It will take time for all local authorities, even those with Core Strategies in place, to get Local Plans updated/adopted in light of the new NPPF – allowance for this should be included in the NPPF to avoid opportunistic and unplanned development coming forward during the transition period against local wishes.
  - The locally-determined plan-led approach is welcome, although absolute clarity is needed that if Neighbourhood Planning goes ahead, the Local Plan retains policy primacy in order to avoid Neighbourhood Plans being used to halt development.
- v. **Removal of top-down housing targets, but Local Plans must be ambitious in addressing lack of housing supply, so need to maintain five-year supply of deliverable housing sites, plus 20% for choice/competition in the market**
- Removal of top-down targets is welcomed, but the prescriptive approach in the NPPF for meeting housing needs is at odds with a truly localist approach – for example, allowance should be made for windfalls to be included in the supply where this is a valid part of the local approach.
  - The 20% ‘choice/competition’ allowance should be removed, as this will create uncertainty about where development will go and may result in developers focusing on ‘easy win’ schemes at the expense of other more challenging but important schemes, for example with wider regeneration goals.
  - The increased focus on ‘deliverable’ sites and reduced focus on brownfield land is of concern – the NPPF needs to introduce policy or financial incentives to redress this imbalance to ensure best use is made of available previously developed sites, else risk significant battles over Green Belt or other important undeveloped land.
- vi. **Ensure links between Local Plan and financial incentives, including the Community Infrastructure Levy (CIL) and New Homes Bonus (NHB), but standards/policies must not put delivery at risk**
- The principle of financial incentives for development is welcome, but concerns remain about the adequacy of the central funding-pot available eg for NHB.
  - As set out in SEEC’s proposed views on the new Business Rate proposals (see Item 4a), the simplicity and clarity of the NHB incentive could encourage councils to go for housing rather than jobs, as business rate retention is complex and top-sliced, potentially leading to unsustainable development patterns.
  - Also need to ensure those areas where development opportunities are genuinely constrained, eg due to Green Belt/AONB/National Parks, are not unduly financially penalised via schemes such as the NHB.
  - The financial viability of development schemes is of course critical, but the NPPF needs to be clear that this must be achieved along with good standards/design; not at the cost of them.

**vii. Seek to ensure good public transport for new developments**

- This principle is strongly supported, but will be very dependent on the degree of certainty over development locations in the Local Plan (see comments 'v' above) and adequate transport funds from Government.
- There is also a need for stronger emphasis on delivery of non-transport strategic infrastructure in the NPPS to ensure communities and businesses can thrive.

**viii. Maintains protection for Green Belt, AONB, National Parks and SSSIs; Habitats Directives appraisals are still required in order that EU obligations are not compromised**

- Continued protection of important natural environment and Green Belts is welcome.
- Local Plans must be allowed to identify the impact of this on the scale and nature of development possible in their areas.
- Whilst appreciating the importance of EU obligations, the UK Government must ensure it does not 'gold-plate' EU requirements for nature protection further than necessary as this can be a significant hindrance to development.

**ix. Maintain sequential test for retail and leisure development**

- Whilst the continued focus on town centres for retail and leisure is positive, the omission of office development is of concern as it could lead to out-of-town traffic-generating office developments – this should be addressed.

2.5 Finally, there has been much made of the Government's view that planning is the problem for 'development'. Whilst planning is an important factor, there are of course a wide range of other factors that influence the opportunity for and speed of development. These include the wider financial situation, capacity in the development sector, mortgage availability, regulations etc. So it will be important that these are addressed by the Government too through relevant policy and legislation.