



Response to *National Planning Policy Framework – Draft text for consultation (March 2018)*

Chapter 1 Introduction

Question 1: Do you have any comments on the text of Chapter 1?

The consultation document does not include a ministerial foreword. Civic Voice assume the definitions of sustainable development in the existing document's ministerial foreword will be included in the existing document. However, the introduction may be a better place for such definitions.

Chapter 2 Achieving sustainable development

Question 2: Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

No. Civic Voice is very concerned by the change in focus in Chapter 2 – Achieving sustainable development, and the new approach outlined in Paras. 7-10, which have replaced Paras. 6-10 of the 2012 NPPF. In particular, Civic Voice objects to the wording of Para. 8, particularly final clause:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives) ... [emphasis added]

The 2012 NPPF made it very clear that there were *'three dimensions to sustainable development... [and these gave] rise to the need for the planning system to perform a number of roles; economic..., social..., and environmental'*. Former Para. 8 (2012 NPPF) further clarified that the *'roles should not be undertaken in isolation, because they are mutually dependent...'* and that, *'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.'* We note that this text has been omitted from the draft NPPF.

Civic Voice is concerned that the effect of this shift in focus around sustainable development will mean that applicants will pick and choose which of the sustainable development objectives to meet, to suit the development. A practical application of this could be, therefore, that the social objective of providing 'a sufficient number and range of homes' could greatly outweigh the environmental objective of 'protecting and enhancing our natural, built and historic environment'.

Whilst we acknowledge that it is the role of planning officers to weigh the planning balance when plan-making or decision-making, matters are often finely balanced. It is not a trade-off between the three dimensions of sustainable development; these goals are mutually supportive i.e. well-designed homes that respect, protect and enhance the natural and historic environment can also bring economic benefits to areas and support healthy, vibrant communities.

In view of this, Civic Voice objects to Paras. 7-10 of the draft NPPF as drafted and would recommend that the emphasis of the 2012 NPPF be re-instated to prevent the unintended consequences as highlighted above.

Civic Voice is the national charity for the civic movement. We work to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride. Since we began in 2010, we have been joined by hundreds of volunteer-led, community based civic societies with over 76,000 individual members across England. Given our membership and reach nationwide, we are concerned by the London-centric nature of the NPPF as drafted. The document appears to assume the economic conditions of high-growth areas, but has little relevance to areas where low house prices make new housing development and building conversions to housing unviable. This is not a simple north-south divide. There are viability challenges in the north, Midlands, southwest, south coast and even in parts of the east and southeast, for example around the Medway. The NPPF must tackle this and address the needs of such areas.

The NPPF needs to make the link between attracting employment and creating demand for housing where viability is a key challenge.

We are also aware of anecdotal evidence that delivery is being undermined in some areas due to the large number of sites with planning permission for housing, making developers cautious that the market would become saturated if several of the sites commence at the same time.

Question 3: Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No – the core principles are a helpful statement at the beginning of the 2012 NPPF which brings these principles together in one place. We take the MHCLG point that duplication in slightly different terms throughout a document can lead to confusion but the answer to this is to ensure that the same terms are used throughout, not that the core principles are removed.

Question 4: Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The emphasis of the NPPF should be on tacking market failures and not exacerbating them. That means addressing problems of land and property inflation in London and other high growth areas, but also addressing viability issues in underperforming areas. This is clearly not just a matter for the NPPF, but for a range of Government activities and programmes.

The NPPF refers to development in the right places. The policy of encouraging development in high growth areas has resulted in a worsening of land inflation in London and elsewhere. The focus of the draft NPPF on high growth areas will be likely to increase the problem further.

The NPPF needs to address the needs of whole country. So there needs to be recognition that employment is the key issue in many areas, such as many parts of the North of England and coastal areas around the country. Housing will remain unviable in many areas unless economic opportunities are created.

Chapter 3 Plan-making

Question 5: Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already

been consulted on?

Yes. Civic Voice supports the emphasis on early and meaningful engagement with communities and stakeholders and welcomes the inclusion of bullet point c) in Para. 16: *'Plans should... be shaped by early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees'*. Planning must be a participatory process if it is to deliver sustainable growth effectively.

However, we await to see how this will work in practice. Civic Voice advocates a more collaborative planning¹, approach which provides real opportunities for active community participation at an early stage in plan preparation and decision making. We note that no accompanying guidance for this has been published yet. Civic Voice would welcome the opportunity to work with the MCHLG to develop the accompanying Planning Practice Guidance on this section.

Civic Voice welcomes the revised tests of soundness outlined in Para. 36, which now have a more 'proportionate' emphasis. We hope that this will ensure **that every area has an up-to-date Local Plan**, as called for by Civic Voice in our Civic Manifesto, Localism for Real (2015-2020). A quality plan, with quality of place at its heart, shaped by local communities.

We note the requirement for policies to be *'reviewed to assess whether they need updating at least once every five years, and... then be updated as necessary'*, however, we express caution over this requirement. We would not want the unintended consequence of this to be to experience further delays to local plan-making in that published plans are immediately rendered out of date by the 5-year review requirement, or in fact, the new NPPF.

Let us be clear. Civic Voice believes that every area should have an up-to-date Local Plan. A quality plan, with quality of place at its heart, shaped by local communities. The focus should, therefore, be on achieving quality local plans, particularly for those local planning authorities that still do not have one, not reviewing existing and largely 'up-to-date' plans.

Question 6: Do you have any other comments on the text of Chapter 3?

Chapter 3 should give employment and economic development as much priority as housing, so as to address the needs of the whole country, including under-performing areas. Housing will remain unviable in many areas unless employment opportunities are created.

Paras. 23 and 36(a) must give employment and economic development as much priority as housing. It is essential that the NPPF address the needs of the whole country, not just London. House building will remain unviable in many areas, unless local jobs are created.

Chapter 4 Decision-Making

Question 7: The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Viability assessments should be publicly available wherever possible.

¹ Civic Voice (2015) Collaborative Planning for All:
http://www.civicvoice.org.uk/uploads/files/Collaborative_planning_1.pdf

Question 8: Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

There needs to be clear recognition of the different economic conditions across the country, including areas where viability is the key challenge.

Question 9: What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

The threat of reviewing contributions at a later stage of the development process would be likely to further undermine investor confidence in areas where viability is a key challenge. We are concerned that the NPPF assumes the economic conditions of high growth areas.

Question 10: Do you have any comments on the text of Chapter 4?

Civic Voice welcomes the support for early engagement and pre-application discussions but would emphasise the need for the local community and stakeholders to also be involved at this early stage. This is most effective at the pre-design stage, so that the design of development is informed by local knowledge.

Para. 48 should emphasise the need for decisions to be of high quality. Whilst speed of decision-making is important, it must not be at the cost of poor outcomes. Poor planning decisions can compromise an area's economic potential for decades to come.

Enforcement in Para 59. is a key problem in relation to the historic environment. Local authorities do not have the resources to take enforcement action. Therefore, action which damages the historic environment can be taken with little chance of enforcement action being taken. The historic environment consists of heritage assets that are irreplaceable. Para 59. unhelpfully states that; *'Enforcement action is discretionary'*. This seems to further weaken the incentive to play by the rules if there is little chance enforcement action will be taken. Civic Voice would request that this clause is removed from the final NPPF.

Chapter 5 Delivering a wide choice of high quality homes

Question 11: What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

No comment.

Question 12: Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Civic Voice objects to the automatic application of the presumption in favour of sustainable development for schemes which include housing where delivery is below 75% of the housing required from 2020. As our president Griff Rhys Jones said at our APPG for Civic Societies debate on 13th March 2018: *"Whilst the Government wants to see 'The right homes in the right places' this requirement combined with under-resourced local councils, is very likely to end up with the wrong homes in the wrong places."*

As the National Trust has pointed out, there is also little incentive for developers to progress difficult or complex brownfield sites requiring some regeneration, if a local planning authority is likely to fail the housing delivery test a few months later, triggering the presumption in favour of sustainable development. This creates an opportunity for developers to then bring forward more attractive greenfield sites.

Question 13: Do you agree with the new policy on exception sites for entry-level homes

No. The current exemption is far too widely drafted - it could be argued that almost any type of development is suitable for some first-time buyers. It should at the very least be development 'restricted to' first time buyers. Currently as drafted this could lead to a large amount of development.

The logic for entry level exception sites being provided outside existing settlements (Para. 72) is at odds with the aims for sustainable development which normally focuses development within existing settlements. First-time buyers are some of the most likely people to require good access to public transport or to be within walking distance of facilities and services, so this paragraph is particularly inappropriate. 'Exception' sites should be strictly defined and remain exceptional.

Question 14: Do you have any other comments on the text of Chapter 5?

As stated elsewhere, there needs to be greater emphasis on tackling market failures, including land and property inflation in some areas and viability challenges in others. The sometimes-stated view that building in high growth areas will bring prices down has been proven to be wrong, resulting in further price inflation. It is essential to secure a more even distribution of housing delivery across the country.

Civic Voice is aware of an example that illustrates this point. Urban Vision Enterprise CIC was recently involved in a project in Stoke-on-Trent to refurbish 2 bedroom houses. The £60,000 refurbishment cost, compared to a similar selling price, made the scheme non-viable. Low housing costs are a challenge to attracting new development in many parts of the country. In central London, however, similar sized properties are sometimes selling for more than £1 million. Even in more peripheral parts of London, such properties are often selling for several hundred thousand pounds.

In view of this we do not see how a single approach to affordable housing can be applied to the whole country. In high growth areas, 'affordable housing' based on 80% of market price is beyond the means of people on well above average incomes. In other areas, housing is too low cost to be viable, so 80% of value is even less viable.

New housing must be of high quality and this should be emphasized in the NPPF. There is no point in delivering a 'slums for the future' programme.

Chapter 6 Building a strong, competitive economy

Question 15: Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

No. The issues identified as being important to rural areas are, in the main, equally applicable to urban areas. The text should be amended accordingly.

Question 16: Do you have any other comments on the text of chapter 6?

Civic Voice is really concerned over the lack of ambition in the NPPF on economic development and employment. This is particularly the case against the context of current economic uncertainties created by negotiations on the departure from the EU and on international trade.

There is a lack of focus on the needs of the north (the Northern Powerhouse) and of many other parts of the country where economic development is the primary challenge. Housing development in many areas depends on investment in jobs being attracted. Employment is the main priority in many areas.

Chapter 7 Ensuring the vitality of town centres

Question 17: Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

No. Para. 86(f) needs to make clear that residential development would be inappropriate where it would be likely to lead to conflict between new residents and existing business uses. This is not just about amelioration, but recognising that there are noisy parts of town and city centres, where residential development could cause substantial economic harm.

Question 18: Do you have any other comments on the text of Chapter 7?

The NPPF should place emphasis on offices being located in places where they would create most economic benefit and be most sustainable, for example in existing centres.

Chapter 8 Promoting healthy and safe communities

Question 19: Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

The scope of regeneration should not be limited to housing, but to regeneration of commercial and industrial areas too.

If the Government is committed to sustainable development and good placemaking, Para. 94 should also require consideration of any adverse effects of estate regeneration, including loss of social housing stock.

Question 20: Do you have any other comments the text of Chapter 8?

The link between health and urban design should be emphasised, including creating places, spaces and streets that are safe, convenient and permeable for pedestrians. Historic parks could also be mentioned as part of the infrastructure to enable healthy lifestyles.

Chapter 9 Promoting sustainable transport

Question 21: Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

We support the emphasis on pedestrian and cycle movements and public transport.

Question 22: Do you agree with the policy change that recognises the importance of general aviation facilities?

No comment.

Question 23: Do you have any other comments on the text of Chapter 9?

No.

Chapter 10 Supporting high quality communications

Question 24: Do you have any comments on the text of Chapter 10

In Para. 114 we recommend deletion of the word 'not' in the first line. Local planning authorities should be able to restrict inappropriate development where it would be harmful to local character such as within some Conservation areas etc.

Chapter 11 Making effective use of land

Question 25: Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Civic Voice has some concerns that loss of employment sites could compromise the growth potential of many areas in the longer term. We would emphasise the importance of the NPPF being evidence-based. We are unsure whether there has been any analysis of the economic impacts of commercial buildings being converted to residential use, including under permitted development rights. In particular, in the North and in other areas where attracting employment is one of the key challenges, we are concerned that long-term economic capacity is being ignored. This not only harms such areas economically, but undermines delivery of housing.

With regard to Para 118 e) (allowing upward extensions), this does not include a reference to being constrained by other NPPF policies such as those for heritage. Does that mean that building up will be allowed on listed buildings or within Conservation Areas, if consistent with the height and form of neighbouring buildings?

Question 26: Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Civic Voice welcomes the emphasis on making efficient use of land and we recognise that higher density development is often sustainable in urban locations well served by public transport. However, this must be balanced against considerations around quality of life, quality of environment, congestion, and the risk of exacerbating land inflation. Rather than minimum density standards, it should be for local planning authorities to decide the most sustainable densities as appropriate to an area's local circumstances.

Question 27: Do you have any other comments on the text of Chapter 11?

No comment.

Chapter 12: Achieving well-designed places

Question 28: Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

Civic Voice has partnered with The Academy of Urbanism, Design Network, Institute of Historic Building Conservation, Place Alliance and Urban Design Group to prepare a joint response on the design aspects of the draft NPPF. Our detailed comments are outlined in the joint response; however, Civic Voice wishes to draw attention to the following broad points.

We welcome the greater emphasis on design. However, our overriding impression is that while the draft NPPF says much that is positive about the importance of design, overall it is too timid and does not demonstrate the sort of bold and positive leadership that Ministers showed at the recent MHCLG Design Conference. In some areas the draft text might even be interpreted as a watering down of policy from the way design was covered in the NPPF published in 2012.

It is our fear is that, as drafted, high quality design could be seen as a 'nice to have' but 'easy to ignore' rather than as an essential dimension of good planning, particularly given the omission of para. 56 from the 2012 NPPF, in the proposed NPPF. The NPPF should, upfront, boldly set out the expectations of the Government that **high quality design and place making is the expectation and it should be delivered everywhere**. We would recommend therefore, that, as a minimum, the following text is incorporated into the final NPPF: ***'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'***. With this in mind, we object to the omission of high quality design from the list of strategic policies required for each local planning authority, outlined in Para. 20.

Civic Voice supports Para. 127 of the proposed NPPF which introduces an expectation that 'applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community...' and we welcome the reference to the use of design workshops in Para. 128. However, we await to see how this will work in practice. The key with design workshops (or charrettes) is that they should occur early in the development process and in an inclusive manner, and this should be advocated in the revised guidance. Civic Voice advocates a more collaborative planning², approach which provides real opportunities for active community participation at an early stage in plan preparation and decision making.

Civic Voice would welcome the opportunity to work with the MCHLG to develop the accompanying Planning Practice Guidance on this section.

Question 29: Do you have any other comments on the text of Chapter 12?

It is disappointing to see no reference to Manual for Streets. We urgently need to get away from designs for residential developments built around the motor car. They should all, whatever their location, be designed to promote walking, cycling and public transport access. On this point the NPPF needs to be far stronger and endorsed by the Department for Transport to ensure it has the full weight of Government behind it. It should make explicit reference to Manual for Streets, which should be mandatory, and therefore to the expectation that the guidance contained therein is adopted jointly by highways and planning authorities.

² Civic Voice (2015) Collaborative Planning for All:
http://www.civicvoice.org.uk/uploads/files/Collaborative_planning_1.pdf

The reference to 'history' in Para. 126 c) seems odd, and we would recommend that this is replaced with 'heritage' or 'historic environment' so that it is consistent with Chapter 16 and reflects the importance of historic character to high quality design and place-making.

Chapter 13 Protecting the Green Belt

Question 30: Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

No comment.

Question 31: Do you have any other comments on the text of Chapter 13?

The Green Belt remains an important part of planning policy. Civic Voice welcomes the retention of the five purposes of the Green Belt within the draft NPPF, in particular, its importance for the regeneration of urban areas. However, we recognise that modification of the Green Belt boundary is necessary in some areas. This is a matter for local decision making.

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Question 32: Do you have any comments on the text of Chapter 14?

No comment.

Question 33: Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

No comment.

Chapter 15 Conserving and enhancing the natural environment

Question 34: Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

It is important for the planning process to recognise and assess the social and economic value of natural environments. Harm to natural environments must be considered in context of the three dimensions of sustainable development; environmental, social and economic harm.

Question 35: Do you have any other comments on the text of Chapter 15?

No comment.

Chapter 16 Conserving and enhancing the historic environment

Question 36: Do you have any comments on the text of Chapter 16?

Civic Voice notes that this chapter is broadly the same as the previous Chapter 12 in the 2012 NPPF, with some re-ordering and inclusion of sub-headings. However, we are concerned that the references to heritage throughout the remainder of the NPPF have been reduced and are wary that

the unintended consequence of this will, in practice, weaken the protection of our heritage assets. Civic Voice would welcome reassurance that this is not the case.

In particular, we note the loss of old paragraphs: 9 (positive improvements in the built, natural and historic environment in relation to sustainable development), 157 (identifying land where development would be inappropriate because of its historic significance), 169 (local plan evidence on the historic environment), and 170 (landscape character assessment).

Civic Voice is, however, very concerned by the change in focus in Chapter 2 – Achieving sustainable development, and the new approach outlined in Paras. 7-10, which have replaced Paras. 6-10 of the 2012 NPPF. In particular, Civic Voice objects to the wording of Para. 8, particularly final clause:

'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives) ...' [emphasis added]

The 2012 NPPF made it very clear that there were *'three dimensions to sustainable development... [and these gave] rise to the need for the planning system to perform a number of roles; economic..., social..., and environmental'*. Former Para. 8 (2012 NPPF) further clarified that the *'roles should not be undertaken in isolation, because they are mutually dependent...'* and that, *'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.'* We note that this text has been omitted from the draft NPPF.

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Whilst we acknowledge that it is the role of planning officers to weigh the planning balance when plan-making or decision-making, matters are often finely balanced. It is not a trade-off between the three dimensions of sustainable development; these goals are mutually supportive i.e. well-designed homes that respect, protect and enhance the natural and historic environment can also bring economic benefits to areas and support healthy, vibrant communities. In view of this, Civic Voice objects to Paras. 7-10 of the draft NPPF as drafted and would recommend that the emphasis of the 2012 NPPF be re-instated to prevent the unintended consequences as highlighted above.

Para. 193 implies that all local planning authorities have a list of non-designated heritage assets (more commonly known as a Local Heritage List). This is not the case as only 168 local authorities (around 50%) have such as list. Civic Voice calls on the Government to make it mandatory for local authorities to prepare a Local Heritage List in partnership with the local community, given their importance to local character, distinctiveness and good place-making.

Chapter 17 Facilitating the sustainable use of minerals

Question 37: Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

No comment.

Question 38: Do you think that planning policy on minerals would be better contained in a separate document?

No. The purpose of the NPPF was to bring national planning policy into one document and as such, planning policy needs to be treated holistically.

Question 39: Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

No comment.

Implementation Transitional arrangements and consequential changes

Question 40: Do you agree with the proposed transitional arrangements?

Civic Voice welcomes the clarification in Para. 208 that *'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework'*. As stated in our response to Question 5 we would not want the unintended consequence of any transitional arrangements to be to lead to further delays to local plan-making or that published plans are quickly rendered out of date by the new NPPF.

Question 41: Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No comment.

Question 42: Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No comment.

Glossary

Question 43: Do you have any comments on the glossary?

The definition of historic environment should be reinstated. It is difficult to see why this would be removed since it set out clearly the nature of the resource and is therefore of assistance to those using the NPPF.