



National Planning Policy Framework

A response by Civic Voice to DCLG's
consultation draft
October 2011

1. The new National Planning Policy Framework (NPPF) has a central role to play at the heart of the planning decisions which affect the future quality of our cities, towns and villages. As the new national charity for the civic movement working with a network of hundreds of community-based and volunteer-led civic societies across England, Civic Voice is excited by the prospect of reforming the planning system to help people shape their surroundings more effectively. We work to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride. We know how important effective planning is to these goals.

2. Given their role it is no surprise that civic volunteers are the most numerous participants in the planning system and these views are informed by their practical experience and local outlook. The draft NPPF has provoked intense interest and concern. To inform this response we have undertaken a broad debate across the civic movement, including an online poll, discussion forum, workshops with local volunteers, civic society meetings, bulletins and internal discussions. We have also participated in a wide variety of debates, conferences and meetings in other fora and contributed to DCLG's Planning Sounding Board and the House of Commons CLG Committee inquiry.

The role of planning

3. Civic Voice believes the planning system has untapped potential to engage people in becoming more actively involved in their community as well as managing land use change and development for the widest public good. It combines vision with necessary regulation and plays a critical role in protecting and improving the quality of local places. Planning is a means for informed discussion about the kind of society we want to live in and the places we want to inhabit. It is essential to our happiness and well being as well as our economic future.

4. We do not accept the assumption underpinning the NPPF that planning is an obstacle to economic growth. The facts don't support the arguments. Even as a regulatory tool we see over 80% of planning decisions granting permission¹ and over 30% of planning appeals are successful². Less than 1% of planning applications take more than a year to be determined³. There is also significantly more land earmarked for housebuilding than demand for its development and this surplus is growing. Outside London and the South East there are large areas of land earmarked for economic

¹ DCLG *Planning statistical release* 24 June 2011

² Planning Inspectorate *Statistical report England 2011/12 Quarter one*

³ RTPI *Myth busting: the truth about planning 2011*

development. It is a lack of demand not a lack of land or planning consent that explains why development is not happening. Lack of finance is the main problem for developers, whether for retail developments, especially major town centre schemes, or housebuilders. Any changes in the NPPF need to be accompanied by a new and more positive attitude from the Government as a whole to the role of planning in promoting, planning for and delivering economic progress and providing certainty for investment in land and buildings, as well as addressing social, environmental and cultural considerations. As the Minister Greg Clark has said “*we need more planning not less*” and to invest in a system which can guide smart growth that supports social, cultural, economic and environmental progress in the round.

5. We share the ambition for a more localist and user-friendly approach to national planning policy which only addresses those issues which need to be included. We welcome having all of national planning policy in one place. A clear and effective national planning policy framework is fundamental to the overall effectiveness of spatial planning, providing a vision for guiding the direction of change, certainty for both developers and communities and delivering quality development. It needs both to establish a favourable policy direction and be written in accessible language. It also needs to provide a clear foundation for preparing development plans which properly reflect community views and have appropriate safeguards against conflicting proposals or development undertaken without permission. It should be underpinned by a planning system with the resources and skills, particularly at a local authority level, commensurate with the important role it plays.

Smart growth

6. Communities are expecting the Government’s national planning policies to:

- ☛ Deliver positive outcomes
- ☛ Be fair in their approach
- ☛ Value what matters to them.

7. These are the expectations against which we have judged the draft NPPF. We have been dismayed by how far it falls short. We also suggest some other issues which need to be addressed as part of a package of announcements when the final NPPF is published.

8. In summary we commend an alternative approach which delivers “smart growth” and in particular:

- ☛ An integrated approach to plan-led sustainable development based on key principles, including environmental limits and social justice
- ☛ A stronger role for local communities and the value of the undesignated everyday environment and local amenity
- ☛ An enhanced focus on the role of towns and cities as a major driver of economic progress and source of opportunities for renewal

- ▀ Recognition of the importance of quality architecture, urban design, culture and heritage protection in securing physical and economic regeneration and economic growth in our towns and cities
- ▀ A clearly articulated ambition to shape the geography and location of new housing, economic and other development based on firmer implementation of the principles of town centre first, brownfield first, access to infrastructure and services, transport choice and reducing the need to travel.

Delivering positive outcomes

9. The draft NPPF is virtually place-less. It says nothing about the character of England; its towns, cities or countryside. It also lacks a strong geographical rationale setting out the preferred locations for development. This would support “smart growth” where it can regenerate towns and cities, avoid sprawl, boost town centres for their economic & social role, and reduce the need to travel & use of the car. Smart growth secures economic recovery alongside social, cultural and environmental progress. It produces quality development in the best locations and stands the test of time. Our economic future lies in high-quality, well-designed towns and cities which respect their history and environment in developing their future. This requires strong planning. We also fear the sprawling nature of new building that would result from the NPPF as drafted which would add deadweight costs to the economy as the costs to the public and private sector and to communities from additional infrastructure and increased travel costs mount up.

10. We urge:

Clear vision and purpose – The NPPF should be grounded in a clear articulation of the spatial and land-use qualities and characteristics of England that the Government values or wishes to change in its opening paragraphs. The Scottish Planning Guidance is a good model. This should be underpinned by a strong policy steer towards encouraging smart growth over sprawl which promotes more sustainable patterns of development and indicates preferred locations. This will work better economically as well as on other grounds. There should be no separate Ministerial Foreword and the strong messages in the current Foreword should be integrated into the Core Principles (paragraph 19), which should also be brought up to the front of the revised document.

Site selection – The decision-making process for selecting broad locations and prioritise sites for their development potential should be expressed much more clearly in terms of:

- ▀ Brownfield first (including within urban areas where valued open space and gardens should be protected, and excluding unsustainable rural sites) as part of a strategy for preferring development of land of lesser environmental value
- ▀ Accessibility to physical, cultural, social and green infrastructure
- ▀ Viability
- ▀ Accessibility to local services

- ☛ Transport choice and reducing the need to travel
- ☛ Environmental and amenity value
- ☛ Optimal use of natural resources

Town centre first – The NPPF should strengthen rather than weaken the emphasis on supporting town centres for their economic as well as other roles by:

- ☛ Requiring retail, leisure, cultural and other civic uses to be “*required wherever possible*” to locate there, not just “*where practical*”, and including offices and cultural uses in the town-centre first approach
- ☛ Strengthening district and neighbourhood centres to support their role as the focus for sustainable communities
- ☛ Enhancing support for local communities preparing neighbourhood plans and for Local Plans to influence the diversity of retailing and other high street uses.

Historic environment – As English Heritage has confirmed, the draft NPPF “*could definitely weaken levels of protection for heritage*”. This is despite the obvious importance placed on the historic environment by local communities and the significant contribution it makes to economic vitality. This is also an area where planning policy has only recently been revised and dramatically shortened in the production of PPS5 last year. PPS5 is 92% shorter than its PPS15 and PPS16 predecessors and there is a high degree of consensus over its approach.

To achieve positive outcomes for the historic environment we urge:

- ☛ A shift from grudging recognition to positive support for the essential contribution of conservation areas, which are widely recognised as an important and hugely popular means of conserving and enhancing the character of our cities, towns and villages – this should support the legal duty to seek designation wherever sufficient character and interest exists and recognise them as a designation in paragraph 183
- ☛ Retention of the existing presumption in favour of the conservation of designated heritage in a revised paragraph 183
- ☛ Retention of the existing guidance (PPS5 HE 7.3) to address community views on what is important in the historic environment when developing the evidence base and recognition of the community role in identifying heritage assets in the Glossary definition
- ☛ Explicit support for the role of “local lists” of buildings and structures of historic importance which are developed collaboratively with the community in the body of the NPPF
- ☛ Retention of existing guidance (PPS5 HE 9.4) to support decision makers dealing with proposals that may cause “less than substantial harm” to heritage assets

- ☛ Stronger support for the use of Article 4 Directions to address and pre-empt damage to historic assets.

Design - The draft NPPF includes welcome policy commitments to the importance of quality design. This includes recognition of the value of design review. We are concerned, however, that these commitments will not stand up as effective reasons for refusal in the face of the strong emphasis on supporting development. There are also important changes to the policy detail and insufficient recognition of the economic importance of design's contribution to quality places. To achieve positive design outcomes we urge:

- ☛ Rejection of the discredited wording re-introduced from Circular 22/80 that only "*obviously poor design*" can be refused and a focus on the positive contribution of design to improving an area and the way it functions – delete "*obviously*" in paragraph 121 and emphasise need for design to contribute positively and not detract
- ☛ Recognition of the important cultural and creative contribution of beauty in design
- ☛ Strengthened commitment to the involvement of local communities in advance of design review
- ☛ Support for the preparation of design guidance and briefs as supplementary planning guidance as part of a much more positive approach to the use of supplementary planning documents more widely (paragraph 21)
- ☛ Specific reference to the role of planning in minimising the visual impact of street clutter, including from communications infrastructure, so that applicants are required to show they have explored different potential locations and considered siting and scale of structures to ensure that the impact on visual amenity and potential obstruction is minimised
- ☛ Removal of the polarising policy preventing refusal of planning consent for development which promotes high levels of sustainability on grounds of its negative impact on townscape (paragraph 151) to recognise this judgment can best be made locally
- ☛ Recognition of the cumulative impact of outdoor advertising as a key consideration.

New housing – The NPPF reduces the ability to manage delivery of new housing in the best locations and to meet housing needs. Instead of increasing the amount of land required to be included in a pipeline of new sites, it should:

- ☛ Adopt a more managed approach to land release with less emphasis on a five year land supply and removal of the additional 20%
- ☛ Underpin this with new powers to penalise land banking, refuse to renew unimplemented consents unless compliant with the selection criteria for the local plan and incentivise implementation of long-standing permissions

- ☛ Require local authorities to make an appropriate allowance for windfall sites - all the available evidence over the last 25 years shows these are an important and predictable source of valuable housing sites even in the most densely developed urban areas and an important contributor to a brownfield first approach
- ☛ Strengthen not weaken councils' ability to require affordable housing within new development.

To do otherwise will require significant additional greenfield land to be allocated, accelerate loosening of Green Belt boundaries and weaken urban renewal and the ability to meet the need for affordable homes.

Open space – The Government has placed a welcome emphasis on the importance of protecting urban open space. Yet, the draft NPPF weakens this and should be amended to:

- ☛ Maintain the current sequential approach to the disposal of open space so that the needs of alternative open space uses must be sought before considering loss of any open space to development
- ☛ Extend the new open space designation to Local Plans as well as neighbourhood plans to ensure it is available as an option to all parts of the country, given the optional nature of neighbourhood plans.

A fair system

11. Planning will never be easy. There is too much at stake. Public trust in its decisions depends on a demonstrably fair process and unbiased decisions. The draft NPPF sweeps this away in both the rhetoric and detail of its approach.

12. The current proposal is that the default answer to development should be “yes” and councils should give permission “*wherever possible*”. Even the policies in local and neighbourhood plans are to be drawn up to do “*everything it can to support sustainable economic growth*”. The result is a double presumption in favour of development – where plans have to be drawn up in the light of a “*pro-growth*” policy presumption and then implemented through the legal presumption in favour of the plan.

13. Where there isn't a plan or there are no relevant policies local authorities are told to “*grant permission*” unless the adverse impacts would “*significantly and demonstrably outweigh the benefits*” in terms of the NPPF's policies as a whole. This will leave local councils and communities faced with the risk of appeal when making decisions on thousands of mediocre proposals. One of the main benefits of the planning system is the way that discussions over planning applications improve the detail when the principle is not in doubt. In this way local amenity, design detail, valued trees and other issues are addressed and development improved. Individually, these would not amount to “significant and demonstrable harm”, but collectively they are essential to the role played by the planning system in securing the long-term public interest.

14. One practical example is trees. Where there is no plan, then the NPPF requires the decision maker to rely on its policies to determine whether to grant permission. Yet, the NPPF makes no mention of the value of trees (other than veteran trees) despite their

importance in thousands of local planning negotiations and decisions. These questions of local amenity need to be much more effectively addressed.

15. The NPPF also appears to re-write 25 years of international debate and discussion on sustainable development. It also implies sustainable development is an outcome when experience demonstrates it is a journey. The draft NPPF wilfully confuses sustainable development with sustainable economic growth and needs to provide clearer principles on which to guide decisions in terms of their contribution to sustainable development. The planning system has had sustainable development as a policy objective since 1992 and the priority is to make this meaningful to decision makers.

16. The overall effect isn't fair and introduces a disturbing bias to the whole purpose of the planning system, and will mean that the credibility of the planning system as a fair process will be lost. This concern is re-enforced by changes which have been made to the Localism Bill in respect of the role of business and the relevance of financial considerations in planning decisions. As currently drafted the result will be that local communities will increasingly challenge the results and lose faith in the system.

17. The NPPF should:

- ▀ Drop the policy presumption in favour of sustainable development and, as the Ministerial Foreword says, make sustainable development an objective of the planning system, which is then primarily delivered through the legal presumption in favour of the development plan – this allows for sustainable development to be interpreted and applied most effectively at the local level
- ▀ Introduce principles in the body of the NPPF which bridge the gap between the Brundtland definition of sustainable development and its application through the planning system. There is much to commend those agreed in Defra's *Securing the future – delivering UK sustainable development strategy* (2005) which secured significant consensus across a wide variety of different interests:
 - Ensuring a strong, healthy and just society
 - Achieving a sustainable economy
 - Promoting good governance
 - Using sound science responsibly
 - Living within environmental limits
- ▀ Retain the approach to sustainable development in terms of how best to “integrate” rather than “balance” social, economic and environmental considerations with a view to achieving positive outcomes in the round (paragraph 11)
- ▀ Recognise the cultural dimension to sustainable development
- ▀ Put the onus on applications to demonstrate how their proposals are consistent with planning policy objectives, whilst ensuring the evidence required is both proportionate and relevant

- ☛ Require all proposals which come forward where there isn't a relevant development plan to meet the same tests that the local planning authority uses in plan-making when allocating sites or determining acceptability
- ☛ Empower local planning authorities to refuse to consider major departures from the development plan which do not have community consent (or otherwise restrict a right of appeal or introduce a community right of appeal on departures).

Valuing what matters

18. Our primary concern is for “everyday England” – the local neighbourhoods, streets, buildings, green spaces, town centres and views of daily life for the vast majority of people. The civic movement itself is testimony to the fact that people care passionately about their local area and wish to see it valued and for its best qualities to endure. There is already widespread concern about the impact of development and change which results from the cumulative effect of tens of thousands of local planning decisions over time. This is one reason why the Government’s commitment to localism and neighbourhood planning has won support. People expect the planning system to play its part in addressing and valuing what they care about. Yet, it is our everyday surroundings that are most at risk from the draft NPPF which places an emphasis on places designated for the benefit of their wildlife, heritage and natural beauty and of the Green Belt but not for the undesignated, everyday places on our doorsteps.

19. We have been heartened by Ministerial support for the NPPF giving communities more influence over what happens in their area. On this point we believe it needs to:

- ☛ Recognise that community views about what is important are not always well recognised through conventional methods and techniques for developing the evidence base for planning; including restoring the key guidance in PPS5 (HE 7.3) that:

“If the evidence suggests that the heritage asset may have a special significance to a particular community that may not be fully understood from the usual process of consultation and assessment, then the local planning authority should take reasonable steps to seek the views of that community”

- ☛ Retain recognition of the undesignated countryside for its intrinsic value
- ☛ Address the critical concept of local amenity, including by retaining recognition in PPS1 (para 17) that *“Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole.”*
- ☛ Recognise the important role to be played by communities well before pre-application consultation or design review is required and ahead of planning policies being drafted in development plans – the real value of community engagement comes from when it occurs before a word is written or a drawing started.

Other issues

20. The NPPF is just one element of the package of changes which are necessary to improve the quality and efficiency of planning decisions. We would encourage the Government to announce a revised NPPF alongside:

- ☞ Incentives and resources for local councils and communities to secure full Local Plan coverage within two years
- ☞ Support for the planning profession and the change in culture necessary to underpin localism
- ☞ Direct support for local communities wishing to engage directly in development planning (both influencing local plans and preparing neighbourhood plans) and supporting their engagement in development management
- ☞ Safeguards to ensure development plans are truly “sovereign” and departure applications are subject to additional scrutiny and either restricted rights of appeal for proponents or a new community right of appeal
- ☞ Lower thresholds for pre-application consultation to ensure full and early involvement of the community
- ☞ Supporting guidance which receives the imprimatur of DCLG and that this is developed with, and for, lay as well as professional audiences - it remains important that the Government “holds the ring” while recognising the value of guidance being provided by others and being tailored to particular users. There remains a key role for central Government in providing an overview and also offering guidance on emerging, technical or contentious issues (e.g. renewable energy); including a continuing need for clear Government guidance relating to key risks, such as flooding, unstable land and coastal change which might usefully be consolidated into a single risk-based approach in guidance, supported by technical information
- ☞ Changes to the Use Classes Order to introduce a new Use Class for community uses, such as essential shops – such as bakers, greengrocers and butchers – and services – such as banks, pubs and post offices. An alternative would be to make them *sui generis* by placing them outside the use classes altogether. We also support separating pubs from A2 and A1 uses which are purely commercial and making post offices *sui generis*
- ☞ New disincentives for land banking and unimplemented planning permissions.