

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

Zone 1/H6, Eland House,

Bressenden Place

London

SW1E 5DU

(a) About you

(i) Your details

Name:	Mr Robin Kerr
Position:	Secretary
Name of organisation (if applicable):	Federation of Bath Residents' Associations
Address:	3 Lansdown Place East, Bath BA1 5ET
Email Address:	robin.kerrconsulting@uwclub.net
Telephone number:	01225 311549

(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.

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

Yes

No

Name of group:

Federation of Bath Residents' Associations

(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

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)

Group of Residents' Associations

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

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

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

9-10 We fully support the three basic principles of the planning regime and believe that all planning applications should be tested against them. Since they are not always easy to reconcile, the key role of local planning authorities is to strike a fair balance between them.

12 The Government should set out clearly, perhaps in graphical form, how the provisions of this framework fit in with other legislative requirements and guidance at national, local and neighbourhood level.

13 The document slides in one paragraph from promoting ‘sustainable development’ (which we support) through promoting ‘sustainable economic growth’ (which downplays the social and environmental legs), and then promoting ‘economic growth’ (which ignores the other two legs completely). DCLG officials are reported to have stated that the economic criterion should always override the others. This is the wrong approach.

The last sentence should read: ‘Therefore, significant weight should be placed on the need to support sustainable development’.

14 FoBRA members view the first and third bullet points with alarm. They contradict the principle of localism which the Government is elsewhere promoting, and they fail to take account of the realities of local plan-making, where the essential process of consultation takes time to complete properly.

The first bullet should be reworded: ‘prepare local plans on the basis that objectively assessed sustainable development needs should be met.’

In the third bullet point the final words ‘or where relevant policies are out of date’ should be deleted. It is our strong view that policies are only out of date when they are replaced by new ones.

16 FoBRA does not understand why the Birds & Habitats Directives are the only ones that are prescriptive. ‘and World Heritage Sites’ should be inserted after ‘Directives’ as these also have international recognition.

17. The Government cannot have it both ways. If the localism agenda is to take off, local communities will also use their newly-acquired powers to protect the built and natural environment in their areas. Therefore add a fourth bullet point:

- **Identify opportunities to protect features of the built and natural environment which are of importance in their community.**

18. The second sentence needs strengthening to say that: ‘Development should only be permitted where it is of good design and appropriately located.’

19 Two new bullet point should be added:

- **‘planning policies should have the effect of requiring the use of brownfield land ahead of greenfield land’.**
- **‘planning policies should require applicants at every level to conduct adequate pre-application consultation and mediation with interested parties.’**

The Framework should address the issue of enforcement. A section needs to explain how the wilful breach of planning law undermines public acceptance of the planning system. PPG18 (1991) lists several enforcement measures and includes guidance on which to use, and this should be included in the Framework.

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)

20 Delete 'significantly and demonstrably' as this distorts the balance in favour of the economic criterion.

21 Delete 'at an accelerated rate, and must not be used to add to the financial burdens on development'. LPAs must be free to adopt plans which reflect their local circumstances. In Bath it is inevitable that encouragement to use Bath stone will add to costs, and this is fully accepted by residents, visitors, businesses and developers.

25 Add a specific reference to residents in the second sentence.

26 Even where Local Plans are not (yet) consistent with the NPPF, planning applications will need to be determined in accordance with them. If developers want the Plans updated more quickly, they must argue for this through the local democratic process, like anyone else.

37 LPAs should normally maintain a historic environment record, but exceptionally they could delegate this task to another qualified organisation in a transparent fashion.

39 Delete second sentence. Whilst we understand the desire not to make development unviable, the examples mentioned – affordable housing, local standards and infrastructure contributions – are likely to be important locally, and the wishes of a willing landowner and developer should not be allowed to override them.

43 The phasing of large developments does require considerable liaison with statutory undertakers, but problems with funding can wreak havoc with such development. The burden of ensuring delivery in 'timely fashion' is not one that should fall on LPAs.

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

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

45 Neighbouring LPAs should be required to cooperate on cross-boundary issues, especially in the field of transport.

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)

53 At the end of the paragraph substitute 'it' for 'development ', otherwise the implication is that the objective of the system is to promote development, whether it is sustainable or not.

56-58 FoBRA supports the emphasis on adequate pre-application consultation of all relevant interests, particularly residents'; groups. Statutory bodies are not the only relevant parties.

57 Developers should be required, not just encouraged, to engage with local residents at the pre-application stage. If this requires separate legislation, the Government should table it.

70 The draft Framework drops the national target on how much housing development should happen on brownfield land (see 12-page easier-to-read summary). This is inappropriate as there is no evidence that this requirement prevents development and it makes town centre development less likely, in conflict with para 76. The brownfield first' policy must be retained.

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

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

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

Disagree

Strongly Disagree

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

76 Reword the fifth bullet: 'It is important that retail and leisure needs should be met as far as site availability permits.' Meeting them in full may be a physical impossibility for many town centres, and expansion may also be impossible.

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?

- **the proportion of empty premises,**
- **the average rentals sought by property owners**
- **the footfall in the various shopping streets and malls.**
- **In towns where there is a night time economy, the incidence of 'adverse events' recorded by the police and the local authority.**
- **Distance travelled to work, shop and leisure facilities . A reduction in travel (with associated congestion and pollution) is an important contributor to sustainability.**

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

Agree

Neither agree or Disagree

Disagree

Strongly Disagree

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

Transport

The policy on planning for transport takes the right approach.

7(a) 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"/> |

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

83 Add at the end ‘... and reduces the need for transport, particularly by private car’

84. Add new bullet point: ‘encourage walking, cycling and other alternatives to the private car. ‘

86 Reword second sentence to read: ‘...residual impacts of development would result in unacceptable and undesirable conditions for those living and working in the area’.

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
- Disagree
- Strongly Disagree

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

96 Add at the end “especially in Conservation Areas and adjacent to listed buildings.”

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

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
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

110 Delete last sentence. Local plans should remain in force until they are superseded.

113. The last bullet point should be deleted. There is no justification for wealthy individuals with luxury mansions to flout the principles of sustainable development.

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)

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)

122. Developers should be required, not just expected, to work with local people to evolve good design proposals.

123 Advertisements on listed buildings and in Conservation Areas need to be respectful to their environment, so LPAs should consider guidelines for those seeking outdoor advertisements in such situations.

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
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

135 Add at the end: ‘though new buildings and golf courses will require careful assessment.’

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

152 Wind turbines have a finite life and developers should be obliged to make provision for dismantling or replacing them when that life expires.

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

14(c) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

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

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

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

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

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

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

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

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

178. We welcome the provision for LPAs to set out a strategy for conservation and enjoyment of the historic environment.

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?

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.

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?