

# **Report to Planning Services Scrutiny Panel**

**Date of meeting: 3rd October 2011**

**Portfolio: Planning and Technology**

**Subject: Draft National Planning Policy Framework Consultation**



# SCRUTINY

 Epping Forest District Council

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## **Recommendations/Decisions Required:**

- 1. To agree or amend the proposed responses to key questions in the Government's consultation on the draft National Planning Policy Framework**

## **Report:**

### 1.0 Context

1. The proposed National Planning Policy Framework (NPPF) involves the deletion of all but one of the current Planning Policy Statements (PPS), all of the current Planning Policy Guidance Notes (PPG), and a small number of circulars, replacing these with a much shorter single document. The overall intentions are to (a) consolidate and streamline national planning policy to reduce bureaucracy; (b) promote sustainable economic growth while retaining important environmental and social objectives; (c) empower local communities to do things their way instead of excessive control from Central Government; and (d) be more "user-friendly" and accessible, so that it is easier for members of the public to have a meaningful say in planning decisions.
2. There will also be a fundamental review of all the supporting documentation (over 6,000 pages presumably including Government Circulars) to identify those areas where the Government considers it is still appropriate for it to issue good practice guidance.
3. The consultation runs for a 12 week period from 25th July to 17th October 2011. Officers note with concern that this very major and complex change to national planning guidance is being put out for consultation through the main annual holiday period when some Members and staff are likely to have been away for a number of weeks. The draft Framework and the accompanying Impact Assessment cover a wide range of issues, which have to be reflected to a greater or lesser extent in this report. In an attempt to make this as straightforward as possible, the report is generally structured as follows: (a) numbered sections (23 in all, including this one) deal with different subjects, the order normally following that of the policy consultation questions (the only exceptions are the final sections 21, 22 and 23); (b) each section then normally contains sub-sections outlining the principles of the Framework for that issue, the potential implications for this council, policy questions with brief draft answers, and, where they occur, impact assessment questions with brief draft answers.
4. There are 41 policy questions relating directly to the draft framework, most of which are worded in a leading fashion (not all of which are relevant for this council to respond to), and other groups of questions (29 in total) which form part of the Impact Assessment, covering costs of implementation, sustainable development, economic development, planning for people, and environment (planning for places). Communities and Local

Government (CLG) has separately added a further question relating to the consultation on traveller sites, which was reported to Planning Scrutiny on 14th June. For ease of reference, the questions with fuller proposed answers are included as an appendix to this report.

5. The draft NPPF also introduces some changes to planning policy. The most significant ones are:
  - (a) presumption in favour of sustainable development;
  - (b) removing office development from a 'town centre first' approach;
  - (c) increasing the time horizon for assessing impacts on town centres from 5 to 10 years;
  - (d) removing the maximum non-residential car parking standards for major developments;
  - (e) removing the national brownfield target for housing development;
  - (f) requiring local authorities to add at least 20% to five-year housing requirements;
  - (g) removing the national minimum site size threshold for provision of affordable housing;
  - (h) removing the rural exception sites policy, i.e. for these sites only to be for affordable housing;
  - (i) within the Green Belt to permit development on previously developed land even if it has not been identified as a 'major developed site' in the local plan;
  - (j) Community Right to Build schemes to be permissible within the Green Belt if backed by the local community;
  - (k) extending the alteration or replacement of dwellings (already permissible in the Green Belt) to include all buildings;
  - (l) removing the requirement for councils to set decentralised energy targets (based on e.g. micro generation, combined heat and power systems, and district heating systems); and
  - (m) expecting councils to consider identifying suitable areas for renewable and low-carbon energy sources, and any supporting infrastructure.
6. CLG is also seeking responses from all individuals and organisations with an interest in planning. Officers have therefore sent details of the consultation to town and parish councils, residents' and other groups, local businesses and developers, using contact details from the database for the Local Development Framework (LDF), encouraging them to respond, but again recognising that this falls within the main holiday period.
7. The proposed answers to the consultation questions below generally represent a consensus reached between officers. Please note that there was a slight difference of opinion between Housing and Planning officers on questions in the housing section (para 73 onwards). Members are requested to please take a decision on the preferred response to the questions in that section.

## 2.0 Presumption in favour of Sustainable Development

8. The Framework's suggested main principles are:
  - planning should be genuinely plan-led;
  - all plans should be (a) up-to-date; (b) based upon and contain a presumption in favour of "sustainable development"; and (c) make adequate provision for growth;
  - the policy advice in plans should be explicit about the housing, business and other development needs of their areas, and provide clarity on how these will be met so far as possible; and
  - plan making and development management should be driven by a search for opportunities to deliver sustainable development, rather than erecting barriers to suppress or prevent it. The default answer to development proposals should be "yes" except where they would compromise key sustainable development principles.

9. The Framework advises that the three components of sustainable development should be pursued in an integrated way, looking for solutions that deliver multiple goals. It is assumed, although never explicitly stated, that the three bullet points which follow are the “key sustainable development principles” referred to in the Impact Assessment:
- economic – ensuring sufficient land of the right type, and in the right places, is available to allow growth and innovation, including the provision of infrastructure, to build a strong and competitive economy;
  - social – providing an increased supply of housing to meet the needs of present and future generations; and creating a good quality built environment, with accessible local services, supporting the community’s health and well-being;
  - environmental – protecting and enhancing the natural, built and historic environment; using natural resources prudently; and mitigating and adapting to climate change.
10. Paragraph 14 of the draft Framework gives the following stark advice: “Local planning authorities should:
- (a) 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;
  - (b) approve development proposals that accord with statutory plans without delay (officers assume that “statutory plans” refers to adopted local plans as, in the NPPF era, regional and structure plans will be abolished, and the Framework itself could not be classified as a ‘statutory plan’); and
  - (c) grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.”
11. The Framework also clearly outlines that up-to-date local plans should be in conformity with the Framework. In the absence of such plans, development applications should be determined in accordance with the Framework, including its presumption in favour of sustainable development. Members are aware that the preparation of the new local plan is in its early stages and that, while a number of policies in the 1998 Local Plan and the 2006 Alterations remain valid and relevant, there are no undeveloped housing sites as identified on the Proposals Map. This statement about the use of the Framework in the absence of up-to-date plans is therefore very significant and potentially worrying, suggesting that there could be adverse consequences for the protection of the Green Belt.

## 2.1 Implications for this council

12. The Local Plan dates from 1998, and Alterations were adopted in 2006. It is highly unlikely that these will be “in conformity” with the Framework, especially as there are no housing sites which have not been developed in full (para 26 of the Draft Framework makes passing reference to a ‘certificate of conformity with the Framework’). Members will be aware that consultation on Issues and Options for the Core Strategy will take place in the autumn/winter 2011/12, but the likely date of adoption of the Strategy is 2014, given all the procedures that have to be gone through. The Framework should therefore be in place significantly before the Council will have an up-to-date Strategy or Local Plan, and the district will therefore be theoretically at risk from development proposals which would be contrary to current planning policies.
13. The draft Framework does pay heed to the Green Belt (dealt with in more detail in section 15 below), which should help the Council in dealing with unwelcome proposals for major developments in the period between the adoption of the final Framework and this Council’s Core Strategy. Paragraph 133 of the draft Framework states “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential

characteristics of Green Belts are their openness and their permanence.” What is not immediately clear from the draft Framework is the relative weighting the Government will give to the presumption in favour of sustainable development as opposed to protecting the Green Belt.

14. There are some clues in the draft Framework and Impact Assessment but these are stated in such a general way that officers are not certain how much weight they can be given – e.g. para 14 of the draft Framework concludes “All of these policies should apply” (i.e. a, b and c of para 9 above) “unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” The Impact Assessment appears also to recognise the tensions: “..... the presumption will place a requirement on those plans to make provision for the development needs of their areas, so far as possible” (p24). “The presumption will place a much stronger expectation on local councils to meet the identified development needs of their areas (unless to do so would conflict with the key policy objectives of the Framework taken as a whole).” (p25). “Whilst an increase (in the level of growth) is expected at an aggregate level, at a local council level other factors, such as environmental and infrastructure factors deemed of national policy significance, will continue to moderate what is provided.” (p26).

## 2.2 Policy questions

15. **Q1a** – *The Framework has the right approach to establishing and defining the presumption in favour of sustainable development – do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
**Strongly Disagree**
16. **Q1b** – *Do you have any comments?*  
Officers are concerned that there is no genuinely practical definition of “sustainable development” – even the Glossary to the Framework does not include one. Para 12 of the Framework is unhelpfully vague – “When taken as a whole, the policies in this Framework set out the Government’s view of what constitutes sustainable development in practice, and how the planning system is expected to deliver it”. While the document itself is “only” 52 pages, it comprises 191 paragraphs and it is not immediately clear which of these are policies, and which are supportive text. Officers believe that this lack of certainty about how to recognise or identify sustainable development leaves the door wide open for developers to submit statements claiming that their schemes are sustainable and that therefore the presumption in favour should come into play. This could add significantly to workloads with implications for staff resources in reaching decisions on these applications, and in dealing with subsequent legal challenges. The officer recommendation therefore is that the answer to **Q1a should be “strongly disagree”**, with the reasons summarised above giving the answer to Q1b.

## 2.3 Impact Assessment questions

17. There are four questions, two of which have sub-sections:
18. **QB1.1** *What impact do you think the presumption will have on:*
- *the number of planning applications;*
  - *the approval rate; and*
  - *the speed of decision-making?*
19. **QB1.2** *What impact, if any, do you think the presumption will have on:*
- *the overall costs of plan production incurred by planning authorities;*
  - *engagement by business;*
  - *the number and type of neighbourhood plans produced?*

20. **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?*
21. **QB1.4** *What impact, if any, do you think the presumption will have on the number of planning appeals?*
22. Once the current economic situation eases, officers believe that the presumption in favour of sustainable development is likely to lead to an increase in the number of applications for major developments, for reasons outlined in para 15 above. The approval rate will be determined by whether the proposals can be seen to make provision for identified needs, and whether they satisfy other policies, notably Green Belt. It will fall if the claims made about sustainable development are judged to be dubious. Even with an up-to-date local plan in place, the speed of decision-making is also likely to reduce, given the probable complexity of arguments likely around defining whether major proposals actually are sustainable development.
23. As noted above, there is potential conflict between a local plan which has a presumption in favour of sustainable development, and the need (which will be strongly supported by the local community) to protect the Green Belt. There is certainly a chance that costs of production of the plan could increase if the local perception is that the balance between sustainable development and Green Belt protection is wrong, leading to numerous objections.
24. Officers believe that “business” in its widest sense (i.e. including house builders) will have increased engagement with the local planning process with the presumption in place. It seems likely that schemes for a range of developments will be put forward e.g. as part of the Issues and Options consultation, trying to persuade the council about the contribution towards sustainable development – this in turn is likely to increase the costs of production of the plan, because more time and resources will be needed to investigate and assess such proposals.
25. It is too early to assess the potential impact of the presumption on the number of neighbourhood plans. It is possible that, as the purpose of these plans, which is mainly to promote more growth, becomes more widely understood, interest of local communities will diminish, because their main concerns are to prevent or limit new development to protect the Green Belt. The estimated costs of production (£17,000 to £63,000) as quoted on p29 of the Impact Assessment will also be a huge deterrent to town and parish councils. Members should also be aware that the production of neighbourhood plans will have direct and indirect costs for the council – the former by paying for the referendums, and the latter through staff being required to advise on and support the preparation of these plans.
26. The impact assessment suggests that the presumption in favour of sustainable development will achieve significant cost savings, for businesses, communities and local authorities. It could be argued that a kind of ‘presumption in favour’ existed both in the 1980s through the introduction of Circular 14/85 on 'Development and Employment', and in the 2000s through S54a of the Town and Country Planning Act. It does not seem that any significant cost savings were made through these past measures, so why would they be made now?

### 3.0 Plan making – tests of soundness

27. The current tests of soundness of a local plan, which will be considered at Examination in Public, are that the plan is:
- consistent with national policy – i.e. enable the delivery of sustainable development in accordance with the NPPF;

- justified – i.e. the most appropriate strategy when considered against reasonable alternatives; and
- effective – i.e. deliverable over its period, including being based on cross-boundary joint working.

28. Para 48 of the Framework introduces a new test. The plan should be “positively prepared”, i.e. based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistently with the presumption in favour of sustainable development.

### 3.1 Implications for this council of the additional test

29. This was already happening under the East of England Plan (EEP) in respect of Harlow expansion – urban extensions into this district (and East Herts) would have been necessary to meet the growth target set by the EEP. Officer level discussions about the longer term infrastructure requirements for Harlow included consideration of the need for a northern bypass, with an additional junction on the M11, much of which would necessarily have been within this district. This had not really been tested in detail publicly, so the response of the potentially affected local communities is not known.

30. The new test again raises concerns about the relative weighting which will be given to Green Belt protection where this conflicts with the sustainable development presumption. Local communities would be understandably concerned about making provision for “unmet requirements” from other authorities, notably the adjoining London Boroughs. The Framework needs to consider in more detail how these potentially conflicting policies will be resolved in practice.

### 3.2 Policy questions

31. **Q2a** *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. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
 Agree about some of the clarification. Disagree about one of the original tests and the new test.

32. **Q2b** *Do you have any comments?*  
 Q2a is a particularly leading question, using the words “clarified” and “useful” to cover a range of issues. Officers agree that the “justified” and “effective” tests have been clarified, but not the “consistent with national policy” one. This latter test again emphasises the sustainable development presumption ahead of all other issues. Protection of the Green Belt remains a key issue for this council and there needs to be greater clarity at national level, i.e. within the Framework, about how conflicts will be dealt with when they will (inevitably) arise.

33. Officers are also not convinced of the usefulness of the new test. The existing justified and effective tests seem to already cover the issues in the “positively prepared” test. With the “duty to co-operate” provision of the Localism Bill presumably shortly to be brought into law, officers are even more unsure about what additional purpose the new test is supposed to bring to the examination of soundness of new plans. Officers are therefore suggesting a mixed answer to Q2a, i.e. to agree that the ‘justified’ and ‘effective’ tests are clearer, but that the ‘consistent with national policy’ one has not been clarified.

#### 4.0 Joint working

34. Para 45 of the Framework advises that “local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable economic growth in consultation with Local Enterprise Partnerships (LEP).” These priorities are listed in para 23 of the Framework, and it is also recommended that travel-to-work areas should be covered. Arrangements could include joint committees, memorandums of understanding, jointly prepared strategies, or joint planning policies on strategic matters such as infrastructure and investment. Para 47 advises that joint working should enable authorities to work together to meet development requirements which cannot be wholly met within their own areas. While it is right that such decisions should rest at local level, it is disappointing that the Framework gives no suggestions about how this can be organised or determined. Officers are also concerned at the mention of travel to work areas. These are currently based on data derived from the 2001 census, and updates from this year’s census are not expected for about two years. It is very likely, therefore, that the areas do not accurately reflect current patterns of travel to work.

#### 4.1 Implications for this council

35. There is significant experience of joint working, at officer level, with Harlow and East Herts Councils and, to a lesser extent, Uttlesford. There have been other wider collaborations, notably in the preparation of the Strategic Housing Market Assessment. Members are reminded, however, that this council adjoins 4 Essex authorities (Brentwood, Chelmsford, Harlow and Uttlesford), 2 Hertfordshire Councils (East Herts and Broxbourne), and 4 London Boroughs (Enfield, Waltham Forest, Redbridge and Havering). Add in Herts County Council and the Greater London Authority and the duty to co-operate or joint working potentially becomes quite a significant resource issue, particularly when LEPs and other statutory agencies, and the potential role of neighbourhood plans are added to the mix.

#### 4.2 Policy questions

36. **Q2c** *The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Neither agree nor disagree**

37. **Q2d** *Do you have any comments?*

Officers feel that comments should reflect reservations about resource implications as outlined above, and the potential reluctance of some other authorities to participate in any form of joint working.

#### 5.0 Decision taking

38. The draft Framework states (para 53) that, “The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.” Local planning authorities therefore need to:
- approach development management decisions positively, looking for solutions rather than problems;
  - attach significant weight to the benefits of economic and housing growth;
  - influence development proposals to achieve quality outcomes; and
  - enable the delivery of sustainable development proposals.

## 5.1 Implications for this council

39. Although the draft NPPF proposes removing the maximum parking standards, this is only for non-residential developments. New standards would need to be developed locally for e.g. business and industrial sites. The requirement for offices to be directed towards town centres is to be removed, which could lead to some office development being in less sustainable locations. In general the draft NPPF uses weaker language to encourage sustainable transport and a reliance on the use of private cars, which is concerning.

## 5.2 Policy questions

40. **Q3a** *In the policies on development management, the level of detail is appropriate. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Neither agree nor disagree**

41. **Q3b** *Do you have comments?*

- Para 53 - The primary objective is fine, but sustainable development needs to be defined. This implies the shift away from development control to development management because “control” is seen as too restrictive that requires all aspects of a proposal to meet certain relevant criteria. Rather than being a hindrance, it should be acknowledged that development management has a positive role to play in shaping the landscape, protecting amenity etc. The opening paragraph should make clear that the delivery of sustainable development should be to sustainable locations so as to prevent development taking place in green belt etc.
- Para 54 - A positive rather than a negative approach to development proposals needs to run through all levels of the decision-making process of development management and this should be highlighted here. Looking for “solutions” to “problems” would read better here, even if it is to the expense of the turn-around time measure of planning applications. The implication here is that permission should be given for economic and housing growth without exception. There should be a proviso, that this should be the case, unless there is clear harm to amenity etc. The proactive role is too heavily weighed towards the Council when surely it is a two-way process of negotiation and collaboration with the applicant, who after all employs an agent to find the solution. This two way responsibility/accountability should be clearly stated.
- Para 56 - To achieve the four bullet points in para 54 and good quality pre-application requires a lot of pre-application engagement which will stretch resources and require Members to be available to play a more active role at this stage. The “practical” solution implies this is acceptable even if it is the wrong decision and therefore it should be replaced by “appropriate”.
- Para 57 - To achieve the goals set out in this document, this could be made tighter so that pre-application and community engagement was made a pre-requisite before Major and some Minor type planning applications were submitted.
- Para 58 - Agree that early engagement and consultation with statutory consultees will bring benefits, but highway reasons in particular can be contentious and hard to accept when an application is decided by Members at planning committees. Local Authorities are going to require improved resources to make this an effective process. The reference in the last line to building and operating development is strange in this document and it is not clear if this is just a reminder that there is other legislation that governs whether development actually comes forward.
- Para 60 - Planning performance agreements: there is a question whether they will result in a faster and effective application process as adherence to an agreed timetable will be dependent on response from statutory consultees, level of objections etc.



- Para 63 - The sentence should be completed with the following wording:  
“...where it does not conflict with other relevant land use policy, including, where relevant, the Green Belt.”

42. In summary, it does appear that achieving sustainable development is the target for all development and there is real concern that this will be seen by developers as a means of gaining planning permission to achieve economic and housing growth even if there is conflict with the Green Belt etc. In fact, there is no mention of the Green Belt or any other exemptions. There will also be pressure on the local authority to be responsible in designing development proposals at pre-application stage to find a solution to the point that we are performing the role of not only the decision maker, but also the architect/planning consultant. The content needs changing, particularly in the choice of wording and made more of a two-way collaboration between the local authority and the applicant/developer if solutions are to be found. There is such a strong emphasis on pre-application engagement by the planning authority almost to the point that otherwise there could be a cost claim in the future should the matter go to appeal. It also needs to be accompanied by a separate good practice guide to cover issues such as material considerations and use of planning conditions/obligations. There is also no mention of enforcement, which is of concern.

#### 6.0 Need for additional guidance

43. This issue is not directly addressed in either the draft Framework or the Impact Assessment.

#### 6.1 Policy questions

44. **Q4a** *Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Officers neither agree nor disagree.**

Our position is that there is yet again a lack of definition, as ‘light touch’ is not defined. Would the light touch guidance provide enough clarity for the purpose of determining applications and give applicants the necessary information in order to submit a successful application? In other words if light touch guidance is balanced with enough information to allow for clear steer this is acceptable, if it leads to ambiguity than it would raise concerns. The Government can accept that going from the level of guidance we currently have, to a light touch guidance system, requires careful and meticulous work and reviews. We would be in a better position to comment if we could see what was being proposed and had sufficient time to examine the proposed versus the existing. This last point would lead to the need of a second consultation to identify the soundness of the Framework on the basis of proposed reviewed guidance.

45. **Q4b** *What should any separate guidance cover and who is best placed to provide it?*  
In the (net) 950 pages of existing guidance proposed for revocation, this council is bound to have relied on many examples of that over the years in reaching decisions on applications. It is not easy to think of specific examples, and the consultation period certainly does not allow time to check on the value of any guidance that is being lost. Unfortunately its absence is likely to be noted only when it is most needed. Officers believe that the level of detail required in any new guidance will depend on the issues or subjects it is dealing with. They feel that the relatively rapid move from a wide range of detailed guidance to a much shorter and more generalised document will make planning authorities vulnerable to development pressures. They see no problem with additional guidance coming from organisations outside Government as long as there is official recognition of the weight it will be given at appeals, inquiries etc. Officers would like to give a detailed response to Q4b, but the consultation period is wholly inadequate for this purpose. Much further consideration must be given to existing bodies such as

English Heritage and others, in playing a key role in developing guidance and adopted best practice for all areas.

## 7.0 Planning for business and use of market signals

46. The draft Framework from par 71 to 81 sets out broad policy objectives for business and economic development. The Government is expressing a mandate via the presumption in favour of sustainable development to support economic growth underlining the need to re-structure the economy. Outside of the framework the Government have made concerted efforts to change the existing mechanisms for growth delivery including disbanding Regional Development Agencies and asking for Local Enterprise Partnerships to be established.
47. Key changes found in the Framework include removing office development from a 'town centre first' approach and increasing the time horizon for assessing impacts on town centres from 5 to 10 years.

## 7.1 Implications for this council

48. The time horizon for assessing impacts of unplanned, retail and leisure schemes in the edge or out of centre locations is currently set at up to 5 years from the time the planning application is made. In some cases this may not be enough time to assess the implications of larger developments. Changing the time horizon to 10 years may allow a reasonable period from when a planning application is made for planning permission to be granted, the planning permission implemented and the development to realise its full operational impacts on town centre vitality and viability. It is therefore as a welcome change by officers unlike the changes on the 'town centre first' policy.

## 7.2 Policy questions

49. **Q5a** *The planning for business' policies will encourage economic activity and give business the certainty and confidence to invest. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
**Neither agree nor disagree.**
50. **Q5b** *Do you have comments?*  
The need for economic development to be evidenced is retained in the draft NPPF. What is currently unclear is how the Framework will encourage sustainable economic growth and activity, especially where there are strong competing demands for suitable land, as is the case for this district.
51. Paragraph 74 "In considering applications for planning permission, local planning authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the Framework" is confusing to officers. The Government has indicated that planning should have a local character, and local authorities and groups will inform positive local plan policies on that basis. It would therefore seem appropriate that this paragraph would give more weighting to local evidenced policies that should by definition be in line with the Framework. This paragraph seems to imply that there may be cases where local policy will not be consistent with the Framework, which cannot be the case. Officers therefore recommend that the para should read, '**In considering applications for planning permission, local authorities should apply the presumption in favour of sustainable development, give due consideration to local planning policies and be consistent with the Framework**', anything else completely undermines local policy.
52. **Q5c** *What market signals could be most useful in plan making and decisions, and how*

*could such information be best used to inform decisions?*

Market signals include data such as land value, numbers of homes built, house prices etc. This is useful information for policy making, but the signals need to be used in conjunction with other information such as demographics, interest rates/bank loans, employment forecasts, income trends (arguably market signals), housing waiting lists, private sector investment etc, in order to determine appropriate levels of housing and employment growth. A Government reviewed demographic/market based forecast model that can be used by all local authorities is the best way forward. Policies could be periodically reviewed and reasonably adjusted both nationally and locally to address needs and rebalance the market when the forecast model indicates a substantial consistent change. Market signals do not deal with viability, e.g. the fact that there is a demand for a certain type of office development does not automatically mean that, in this district, with a finite amount of appropriate development land and competing land uses, the answer to this form of development is 'yes'.

## 8.0 Town centre policies

53. The draft NPPF proposes removing the 'town centre first' approach to the location of new offices. This, coupled with the seeming preference for town centre extension rather than for example, the intensification of existing urban sites, is concerning.

## 8.1 Implications for this council

54. The implications of removing office development from the 'town centre first' approach are a concern to officers. In practice and in the spirit of sustainable development, we support the need and current requirement that office development is subject to the requirement to demonstrate compliance with the sequential test and assess the likely impacts of the scheme on a range of impact considerations. We have a concern that removing the sequential approach may lead to more inappropriate development within the Greenbelt.

## 8.2 Policy questions

55. **Q6a** *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. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Neither agree nor disagree.**

56. **Q6b** *Do you have any comments?*

Para 76 has 7 bullet points, in which shopping, commercial and community uses are mentioned once, and residential, retail and leisure twice. The fifth bullet point stresses that "It is important that retail and leisure needs are met in full and are not compromised by limited site availability." It is only when pages 34-37 of the Impact Assessment are read that it becomes apparent that the intention is to remove office development from the 'Town Centre First' policy. Quite apart from the fact that question 6a is therefore quite misleading with its casual mention of "business" with no definition of the uses this includes, officers feel that, with the currently ambiguous "presumption in favour of sustainable development" principle, any lack of a standardised sequential approach to assessing viable sites for offices would simply lead to development in areas previously deemed inappropriate. Lack of best practice guidance and specific Framework policies (again in view of the "presumption") will mean that any local policies will have few 'teeth'.

57. The fifth bullet point (referred to above) continues "Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites" – this is in the context of making full provision for

retail and leisure needs. In a Green Belt authority, competing land demands mean finite land supply, even with a strategic review of (inner) Green Belt boundaries.

58. It is unfortunate that town centre extension is promoted as the first viable option in the draft NPPF. Officers would like to see emphasis being placed here on (a) the importance of mixed-use development, as in the current PPSs; and (b) preference for anti-sprawl/compact major redevelopment for town centres and urban areas, and other methods of development intensification, instead of what can be seen as sprawl inducing policy as is currently proposed in the draft Framework. Anything else is not sustainable planning, not only in Green Belt authorities but nationwide.

### 8.3 Impact assessment questions

59. There are three questions:

60. **QB2.1** *Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes?*

It is difficult to answer the question as the costs and benefits will only be seen after the policy has been implemented and changes are seen on the ground, but we would be inclined to answer no. Officers feel that removing the 'town centres first' approach for office development could have a detrimental impact on Green belt and that this is not mentioned in the impact assessment. The fact that town centre viability may suffer as a result is also not touched on. Office space outside of town centres may require more car related travel and the potential adverse impact on carbon emissions is picked up on in the impact assessment and is a concern.

61. **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?*

Officers feel that 10 years is a better time horizon than 5 as is currently. Whether it is the right time horizon needs to be reviewed.

### 9.0 Transport

62. The draft Framework identifies two important roles: (i) facilitating development and economic growth; and (ii) contributing to wider sustainability and health objectives – reductions in greenhouse gas emissions and congestion. The Impact Assessment proposes removing the maximum non-residential car parking standards for major developments.

#### 9.1 Implications for this council

63. The weak language in the draft document promoting sustainable transport could lead to further reliance on the private car. There is an emphasis on allowing development unless residual transport impacts would be 'severe'; this could lead to increased traffic generation. The removal of the national non-residential maximum parking standard would allow the council to set its own local targets.

#### 9.2 Policy questions

64. **Q7a** *The policy on planning for transport takes the right approach. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Disagree**

65. **Q7b** *Do you have any comments?*

Most of the aims of this section are reasonable, such as balancing the transport system in favour of sustainable transport modes. However, almost all such aims are highly

caveat-ed, and written in very weak language. For example, in para 83, *'the planning system should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport'*. There does not appear to be much support for improving rural transport in the draft document, which is of major significance for EFDC

The draft NPPF seems only to require sustainable transport facilitation where it is easy and cheap to do so. It would be more appropriate for the sentence in para 84 to aim to *'facilitate economic growth by taking a positive approach to planning for development in sustainable locations'*. Officers would like to see a stronger emphasis on locating new development in sustainable locations. The central requirement to *'reduce the need to travel, especially by the private car'* in PPG13 is not repeated in the draft NPPF, to its detriment. The need for sustainable locations should be enshrined within a better definition of the 'presumption in favour of sustainable development'.

Officers are concerned that there is no definition of the term 'severe residual impact' in relation to developments which are to be refused on transport grounds. It appears that it will be very difficult to refuse any application on the ground of traffic generation and impact. The draft NPPF also proposes removing the national maximum non-residential car parking standards, and that new standards will need to be adopted locally. This could allow more local control, but would require significant resource. The council adopted Essex County Council's Parking Standards document in 2010 as Supplementary Planning Guidance. This document uses maximum standards for cars, but minimum standards for cycles, disabled bays etc.

### 9.3 Impact assessment questions

66. **QB2.3** *How much resource would it cost to develop an evidence base and adopt a local parking standards policy?*

It is not possible to make a reasonable estimate based on the information available in the draft NPPF, but such a task would require significant resource. Given the contentious nature of parking, it may require public engagement, which is expensive and often time consuming.

67. **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?*

It is not possible to suggest potential future standards without significant work on gathering the evidence and analysing possible options. Parking is already a particularly contentious issue in this district. Future standards would need to be evidenced, and possibly subject to public engagement.

Removing the national maximum non-residential car parking standards for major developments could lead to a higher proportion of parking spaces being made available at new developments. The Impact Assessment correctly identifies this. However, the statement that, *'the 'Town Centre First' policy...should mean there are no significant adverse impacts at national level'* does not take into account the fact that this policy will no longer apply to offices, which require significant levels of parking.

### 10.0 Communications infrastructure

68. This is essential for economic growth and the provision of local community facilities and services. Local plans should support the expansion of electronic networks, including telecommunications and high speed broadband, while aiming to keep the numbers of masts and the sites for such installations to a minimum consistent with efficient operation of the network. Policies should ensure that (a) new infrastructure does not cause significant and irremediable interference with other electronic equipment; and (b) construction of new buildings does not interfere with communications services.

### 10.1 Implications for this council

69. Local plan policies will need to be updated, but the changes needed are minor and uncontroversial.

### 10.2 Policy questions

70. **Q8a** *Policy on communications infrastructure is adequate to allow effective communications development and technological advances. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
**Agree**, however more guidance and specific and substantial local policies will be required locally.
71. **Q8b** *Do you have any comments?*  
Officers agree with 8a and have no further comments.

### 11.0 Minerals

72. This section is of relevance to the County Council as Minerals Planning Authority, and so it is not appropriate for this council to comment. We would stress however that it is important for district councils to be effectively involved in any consultations. Mandatory requirements for County Councils to produce engagement strategies for the determination of strategic mineral extraction sites should also be a requirement.

### 12.0 Housing

73. The key objective is to increase significantly the delivery of new homes. This means:
- increasing the supply of housing;
  - delivering a wide choice of high quality homes that people want and need;
  - widening opportunities for home ownership; and
  - creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.
74. Local planning authorities therefore should:
- ensure their Local Plan meets the full requirements for market and affordable housing, including identifying key sites;
  - identify and maintain a rolling five-year supply of deliverable sites, including an additional allowance of at least 20% to ensure choice and competition;
  - identify sites or broad locations for years 6 to 10, and where possible for years 11 to 15;
  - not make allowance for windfall sites in the first ten years of supply, or in the rolling five-year supply, unless there are special local circumstances;
  - use a housing trajectory to show the expected rate of delivery and, for market housing, set out an implementation strategy showing how the delivery of a five-year supply will be maintained;
  - set housing density rates appropriate to local circumstances;
  - identify and bring back into use empty housing and other appropriate buildings in line with empty homes strategies.
75. Specifically to deliver a wide choice and widen opportunities for home ownership, the Framework says local authorities should;
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups (e.g. the elderly and people with disabilities);
  - reflect local demand by identifying the size, type, tenure and range of housing

- that is required in particular locations; and
- set policies for meeting the need for affordable housing either on-site or with a robustly justified financial contribution for provision off-site.

76. Other changes, listed in the Impact Assessment, include:
- removing the national brownfield target for development, giving local councils the freedom to choose the most suitable locations;
  - removing the national site size threshold for requiring the provision of affordable housing, giving local authorities the impetus to optimise such delivery; and
  - for rural councils allowing an element of market housing on exception sites where this would facilitate significant additional affordable housing.

### 12.1 Implications for this council

77. Housing officers are in favour of (i) removing the national brownfield target and (ii) the 20% addition to the 5-year supply. They equally support the proposal to remove the national site size threshold for affordable housing provision.
78. Housing officers disagree with the provision of market housing on exception sites. At present they can ensure that such housing serves local need.
79. Officers from the Planning department are concerned that: (a) the Framework should define housing need, housing demand, and specify into which of these categories the (frequent) use of 'requirement' (or similar) falls; (b) as with the 'presumption in favour of sustainable development', the Framework gives no indication of the relative weighting of (i) increasing significantly the delivery of new homes, and (ii) protection of the Green Belt; (c) uncomfortable about the lack of definition of 'suitable' in relation to the removal of the brownfield target.

### 12.2 Policy questions

80. **Q10a** *The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
Neither agree nor disagree
81. **Q10b** *Do you have comments?*  
See the comments in paras 81 to 86 below

### 12.3 Impact assessment questions

82. **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?*  
Planning officers note that the Council has consistently met and exceeded the national target for brownfield/Previously Developed Land (PDL) development. From 2003/04 to 2010/11, over 80% of all net new housing each year was on brownfield sites; the annual average was 92.3%. This is probably because the vast majority of the district is within the Green Belt, so any previously developed sites are likely to be within the more urban areas, and are therefore not constrained by Green Belt policy. Brownfield development sites are thus at a premium and tend to be 'snapped up' quickly. Officers feel that this trend is likely to continue, although the new 'presumption in favour of sustainable development' could lead to more housing developments being permitted on Greenfield sites, subject to how the presumption is interpreted. If future household and population projections show a need for significant land release for housing in the next 20-30 years, Members may need to consider releasing Greenfield sites which would lead to poorer performance against the existing target.

Furthermore, the impact assessment does not give a thorough analysis of the proposed change. The removal of the national target is likely to have very different effects in a Southern, largely Green Belt authority in such as Epping Forest District, as in a local authority in the North.

83. Furthermore, the impact assessment does not give a thorough analysis of the proposed change. The removal of the national target is likely to have very different effects in a Southern, largely Green Belt authority in such as Epping Forest District, as in a local authority in the North.
84. Housing officers support the removal of the national brownfield target.
85. **QB3.2** *Will the requirement to identify a minimum 20% additional land for housing be achievable? And what additional resources will be incurred to identify it?*  
Housing officers support the 20% addition to the 5-year supply, as it will help to secure future sites for housing.  
Planning officers see that the identification of further sites could make the provision of future housing more secure. However, they are concerned that it may be difficult to identify 20% more sites for the future, when many housing developments in the district are small scale, and it is hard to predict when they will come forward. In the last few years, the council has more than achieved a 5 year land supply, but this will be more difficult when an extra 20% needs to be identified. It may only be possible if further housing sites are granted permission, either by making releases of Green Belt and/or greenfield sites, or by allowing higher density developments in existing urban areas.
86. **QB3.3** *Will you change your local threshold in the light of the changes proposed? How?*  
Housing officers support the proposal to remove the national site size threshold for affordable housing provision, as do planning officers. It is not possible to detail how the council would change its threshold without further study.
87. **QB3.4** *Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?*  
As in para 77, Officers disagree with the provision of market housing on exception sites; rural schemes work without market housing as landowners still get a good capital receipt, significantly greater than agricultural value. We can also ensure that such housing serves local needs. The problem isn't getting landowners to come forward; it is getting reasonable and suitable sites which are supported by parish/town councils.

### 13.0 Planning for schools

88. This is an interesting policy area with the NPPF. Officers could only find (very) passing reference to schools in the Sustainable Communities section of the Framework, and no mention in the Impact Assessment, so quite what Q11a below is based on, and how or whether to answer it, is a concern to officers. A question to Government could be whether a policy approach to the provision of schools based, on Essex County Council's most recent figures (i.e. 700 new homes equates to the provision of a one form entry primary school), should be standardised etc.

### 13.1 Implications for this council

89. It is difficult to predict potential implications on so little information.

### 13.2 Policy questions

90. **Q11a** *The policy on planning for schools takes the right approach. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
**Strongly disagree**



91. **Q11b** *Do you have comments?*

The Government guidance is currently lacking. Further information is required, including specific guidance from Government on a standardised approach to identifying school provision on the basis of new home delivery levels.

#### 14.0 Design

92. The Government states that it places great importance to the design of the built environment and the importance of planning positively for the achievement of high quality and inclusive design for all development (buildings, public and private spaces and wider area development schemes). Although the NPPF covers some ground in outlining policies this is an area where the supporting policy guidance as in PPS1 and other PPSs has substantially been reduced.

#### 14.1 Policy questions

93. **Q12a** *The policy on planning and design is appropriate and useful. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Disagree**

94. **Q12b** *Do you have comments or suggestions?*

Para 116 – the generic wording offers little in the way of supporting the formulation of “robust and comprehensive” policies. Advocating good sustainable design in order to (a) protect and enhance the character of areas and (b) promote good practice requires robust design codes. It is promising that the draft NPPF makes reference to these codes (para 117), but more guidance is clearly needed for this to happen consistently. There is no mention in the Framework of how local authorities should go about producing such guidance, and more importantly, Government suggestions for or recommendations of good practice. Sustainable development is stressed as a key component of the Framework, however the words ‘sustainable’ and ‘design’ are not used in the same sentence, nor are concepts like ‘sustainable urbanism’ mentioned (residentially led mixed use growth, of mixed tenure and housing types, walkable neighbourhoods/town centres promoting sustainable travel and creating opportunities for a range of work/lifestyle choices without compromising the character and nature of an area). Sustainable technologies and their application to urban/rural design and housing are completely and worryingly absent from the Framework, with the exception of a passing mention to SuDS (Sustainable Urban Drainage Systems). Officers believe that, in promoting itself as the “greenest Government yet, the Framework as a key planning document would set out (a) aspirations and guidance regarding good sustainable housing design and other development. As it currently stands the various strands of sustainability seem to be not only undefined but disparate and confusingly unconnected within the document. We recommend there be a clear mandate from Government for local authorities to develop relevant sustainability policies in relation to urban design and housing, above and beyond existing statutory requirements and where these would not impede growth. Reference also needs to be made to appropriate and useful guidance and best practice such as Building Research Establishment Environmental Assessment (BREEAM), Eco Homes (environmental rating for houses) and Civil Engineering Quality Assessment (CEEQUAL).

#### 15.0 Green Belt

95. The fundamental aim is to prevent urban sprawl by keeping land permanently open. The Framework emphasises that the Government attaches great importance to the policy, and that the essential characteristics are openness and permanence. It retains the five purposes of Green Belts:
- to check the unrestricted sprawl of built up areas;

- to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
96. Local planning authorities should plan positively to enhance the beneficial use of the Green Belt in terms of e.g. landscape and biodiversity enhancement, and providing opportunities for increased access and outdoor sport and recreation.
97. The Impact Assessment lists four proposed changes to “the detail of current policy”. These are:
- extending “major developed site” status to similar sites not already identified as such in a local plan;
  - park and ride schemes are already permissible – extend this to cover a wider range of local transport infrastructure – this would include bus shelters, small public transport depots, and new routes;
  - Community Right to Build schemes to be permissible if they are backed by the local community – the Assessment would expect this to apply mostly to small rural housing schemes which otherwise may fall foul of general Green Belt policy; and
  - alteration or replacement of dwellings is already permissible – extend this to include all buildings, but with the current limitation on size, i.e. no disproportionate additions over and above the size of the original building.

#### 15.1 Implications for this council

98. It is encouraging that the importance of Green Belt strategy is recognised and retained in the Framework and that openness and permanence are highlighted as essential characteristics. What is far less clear, which is very disappointing, is how the Government sees this playing against the new presumption in favour of sustainable development. An additional paragraph is therefore recommended for the final version of the Framework, which more closely links the two potentially conflicting policies, outlining how development schemes in the Green Belt will be assessed in sustainable development terms. Officers hope that the new emphasis on green infrastructure, which will be a core element of the new local plan, will enable the council to address the requirement to plan positively for greater beneficial use of the Green Belt.
99. Officers are concerned mainly about the first of the four changes proposed in the Impact Assessment. The Government’s rationale for proposing this is that the sites, by definition, have already been developed, so impact on openness etc has already been established. This appears weak on two grounds – (a) if land has not already been identified as a major developed site, the local authority presumably feels that its current use/appearance has no significant adverse effects on the Green Belt. Redevelopment might change this for the worse; (b) this goes against the localism approach – it is surely more appropriate for this to be a decision of the local authority, with local community engagement through the planning process.
100. With the other three proposed changes, what really matters is the scale of infrastructure or buildings that may be involved, and officers would feel more comfortable with a greater degree of guidance. The Assessment concludes that there will be benefits for local councils as they will have more freedom to consider development on appropriate sites (such as previously-developed sites), and there will be more options to improve sustainable development outcomes.

#### 15.2 Policy questions

101. **Q13a** *The policy on planning and the Green Belt gives a strong clear message on Green Belt protection. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Disagree**

102. **Q13b** *Have you comments to add?*

Officers disagree because the relative weighting of Green Belt protection and presumption in favour of sustainable development is not addressed or explained. While para 134 retains the five purposes for including land in the Green Belt, and para 133 defines the essential characteristics as openness and permanence, it is frustrating that the relationship between the presumption in favour of sustainable development and the protection of the Green Belt is not addressed at all in the draft NPPF as a whole and in particular in this section. If openness and permanence are essential characteristics, then surely any development which challenges these, or which would have adverse effects, must by definition not be sustainable development. This approach is used in para 170 of the draft NPPF in relation to development likely to have significant effects on sites protected under the Birds and Habitats Directives. In public, and as reported in the media, Government ministers have stated on a number of occasions that the NPPF is intended, and will continue, to protect the Green Belt. **Officers suggest that a new para should be added to the Green Belt section of the final NPPF along the lines of: “Development in the Green Belt likely to have significant effects on any of the five purposes of including land in Green Belts would not be sustainable under the terms of the presumption in favour of sustainable development, unless it is accepted that very special circumstances apply.**

### 15.3 Impact assessment question

103. **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?*

No – officers feel the analysis is too insubstantial, and the potential consequences of at least one of the changes proposed could be pretty substantial, in terms of ongoing costs for the District Council.

### 16.0 Climate change

104. The Government’s published objectives include radical reductions in greenhouse gas emissions. The Framework advises that planning should fully support the transition to a low carbon economy by:

- appropriate location and layout of new development to reduce greenhouse gas emissions;
- supporting energy efficiency improvements to existing buildings;
- adopting nationally describes standards for the sustainability of new buildings;
- delivery of renewable and low-carbon energy infrastructure;
- minimising vulnerability, and providing resilience, to impacts arising from climate change; and
- avoiding inappropriate development in flood risk areas.

### 16.1 Implications for this council

105. The Core and Utilities Policies of the Local Plan Alterations already essentially address these issues, with the exception of the treatment for existing buildings, although they probably amending and updating to be more focused ant to encompass current standards.

### 16.2 Policy questions

106. **Q14a** *The policy relating to climate change takes the right approach. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Disagree**

107. **Q14b** *Do you have comments?*

The Government states that it is seeking “radical reductions”. Phrases such as “should aim to” (para 148) or “should recognise” (para 152) do not carry sufficient weight or force to achieve the reductions required by the Government. Developers and decision-makers can be dismissive of policies worded in this fashion, and consequently not give due consideration to climate change impacts. Para 153, 2<sup>nd</sup> bullet point, is similarly weak, saying “approve the application if its impacts are (or can be made) acceptable ....” There is no guidance about how to assess the acceptability or otherwise of renewable energy infrastructure, making it likely that “NIMBY” objections will determine decisions, losing sight of the bigger picture in terms of addressing climate change.

## 17.0 Renewable energy

108. Local planning authorities should consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. They should also support community-led initiatives for renewable and low-carbon energy and identify opportunities for decentralised energy systems.

### 17.1 Implications for this council

109. Officers believe this will be very difficult for this council, because of local community concerns about adverse impact on the openness of the Green Belt and the general character of the countryside.

### 17.2 Policy questions

110. **Q14c** *The policy on renewable energy will support the delivery of renewable and low carbon energy. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Neither agree nor disagree**

111. **Q14d** *Do you have comments?*

**No comment**

112. **Q14e** *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. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Agree**

113. **Q14f** *Do you have comments?*

**No comment**

### 17.3 Impact assessment questions

114. **QB4.4** *How will your approach to decentralised energy change as a result of this policy change?*

The change in policy only “expects” local authorities to “consider” identifying suitable areas for renewable and low-carbon energy sources. It does not require them to do so. Furthermore, if local authorities are to define suitable areas then we need to know what we’re looking for. Each type of renewable/low-carbon energy generation requires different sets of criteria in order to be successful. What are these? Can we be provided

with guidelines? There is not enough expertise at officer level to make competent decisions on where developments such as these will be best placed.

115. There is:

- a lack of information in the framework as to what constitutes a "suitable area";
- only a request to identifying suitable areas at this point; and
- a lack of technical knowledge and training amongst Planners etc. in identifying different sites for different technologies.

116. This Councils' approach will largely remain the same, which is to say that renewable/low carbon energy developments will usually only be permitted where they are visually and audibly hidden or unnoticeable to local residents and the public. Until this attitude changes, it can be predicted that smaller scale residential developments will probably continue to be permitted, but that a meaningful contribution to the UK's decentralised energy network will not be achieved.

117. **QB4.5** *Will your approach to renewable energy change as a result of this policy?*

Officers feel that they would require a lot more technical knowledge. Otherwise how could planning officers etc. be expected to inform members accurately on the decision-making process? As applied to QB4.4, without a better technical knowledge of a) how renewable technologies work and the specific requirements they need to perform well and b) a context in which to put projected energy generation figures (as in how many homes or businesses a particular development would power and the quantity of emissions this would save), there is little hope for medium to large developments taking place within the District.

## 18.0 Flooding

118. The Framework covers Sequential Tests, Exception Tests, strategic flood risk assessment (SFRA), and Environment Agency advice in 4 paragraphs (155 – 158). The wealth of advice in PPS25 and the Practice Guidance notes is presumably to be lost when the Framework is adopted and all the PPSs etc revoked.

### 18.1 Implications for this council

119. While flooding is a major concern for this authority, there are probably no immediate implications, as the Alterations policies adopted in 2006 are still very much up-to-date and the SFRA was completed earlier this year, both benefiting from the good long-term working relationships between Planning and Land Drainage officers. If local authorities are to be reliant on the Framework in the medium to long term, there may be problems with developers where they have been advised to consult existing national guidance in the form of PPS25 and its Practice Guidance. Despite the existence of the recent SFRA, officers believe it may be necessary to prepare further, more detailed, guidance based on the two national documents to help with consideration of future applications and schemes.

### 18.2 Policy questions

120. **Q14g** *The policy on flooding provides the right level of protection. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*

**Officers neither agree nor disagree.**

121. **Q14h** *Do you have comments?*

The absolute basics are covered, but the rush to condense material pre-supposes that those reading or using the Framework have a more than basic knowledge of flooding issues – this may be problematic in negotiations with developers once the (much) more detailed national guidance is abolished. This could impact upon officer time and

resources.

## 19.0 Natural environment

122. The section deals with landscape, biodiversity and pollution, the Government's overall objective being that "planning should help to deliver a healthy natural environment ...". The planning system should therefore:
- protect valued landscapes;
  - minimise impacts on, and provide net gains in, biodiversity where possible;
  - prevent new and existing development from contributing to, or being adversely affected by, pollution.

## 19.1 Implications for this council

123. The district being predominately Greenbelt and due to its natural character which includes large areas of local wildlife sites and Local Nature Reserves, places great significance on related policies. Officers have concerns with the proposals being put forward by the Government as part of the NPPF, as it is felt that our position in terms of protecting the 'greenness' of this District is weakened as the NPPF is currently drafted and with a large reduction of Government guidance as currently available in PPS9 (Biodiversity and Geological Conservation: 2005).

## 19.2 Policy questions

124. **Q15a** *Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
**Disagree**

125. **Q15b** *Do you have comments?*

Officers believe that the draft NPPF is a curate's egg as far as this subject is concerned. There has also been a recent, almost contemporaneous White Paper "The Natural Choice; securing the value of nature" (June 2011). The NPPF does not generally support biodiversity concerns as strongly as the current PPS9 (Biodiversity and Geological Conservation: 2005) and is significantly weaker than the recent Government White Paper on the Natural Environment (The Natural Choice: securing the value of nature: June 2011). In this context, the NPPF could at least have used the same language, if not taken further, the more positive approach in the White Paper, e.g. para 11 of the Executive Summary states "We will put natural capital at the centre of economic thinking and at the heart of the way we measure economic progress nationally." Instead the emphasis in the NPPF has changed, giving priority to granting permission for development, with an inherent downgrading of environmental interests. Para 165 states, inter alia, that "Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits ..." This is a long way from some of the key principles of PPS9: "Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests" (para 1(ii)); "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests." (para 1(vi)).

## 19.3 Impact assessment questions

126. **QB4.1** *What are the resource implications of the new approach to green infrastructure?*  
The "new approach" to green infrastructure is so similar to the existing policy that it does not appear that there will be any resource implications.
127. **QB4.2** *What impact will the Local Green Space designation policy have and is the*

*policy's intention sufficiently clearly defined?*

The intention is not clear either in its aim or in its mechanism to achieve it. Who proposes the Green Space and who does the designating? The criteria for designation of Green Spaces are very narrow. It is also unclear what size they may be. They can't be an "extensive tract of land" so who decides how big a tract is?

128. **QB4.3** *Are there resource implications from the clarification on which wildlife sites should be given the same protection as European sites?*

The "wildlife sites" mentioned are potential SPAs, possible SACs and proposed RAMSAR sites. This is no change from PPS9 (6) so there are no implications here.

## 20.0 Historic environment

129. Our Council has 25 Conservation areas and many locally listed buildings. It has a unique character, in places defined by the built environment and our aim is to protect the integrity of our Conservation Areas. The NPPF highlights that the intention with the new guidance is for 'heritage assets to be conserved and enjoyed for the quality of life they bring to this and future generations'.

## 20.1 Implications for this council

130. The changes from the content of PPS5 (Planning for the Historic Environment), to the existing policies proposed within the NPPF are a big concern to officers. The lack of clearly defined specific policies, in combination with the presumption in favour of sustainable development, will likely pose issues for the integrity of our Conservation Areas and the character and appearance of the historic fabric of this district.

## 20.2 Policy questions

131. **Q16a** *This policy provides the right level of protection for heritage assets. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*  
**Disagree**

132. **Q16b** *Do you have comments?*

Officers are concerned about the lack of guidance and defined requirements for applicants. There is no mention of 'Heritage Statements', a current requirement for application submissions, which are very important in ensuring the protection of heritage assets. They establish clear requirements and responsibilities for protecting and managing historic areas and buildings. As written, the draft NPPF offers very little in the way of support to applicants and the general public. For local authorities it creates difficulties in securing robust policies to enable controlled development in conservation areas or defending heritage assets from inappropriate development as there is too much scope for appeals. There is also an apparent reduction in the requirement for developers/applicants to provide justification, but more onus on local authorities to do so.

133. Para 185 again highlights the likely conflict between the presumption in favour of sustainable development and the localism approach. Officers interpret this paragraph as saying, in effect, that any 'non-designated' heritage asset will, more often than not, not be taken into account because of the paramount importance of the development agenda. The local authority's 'balanced judgement' will be open to question and challenge as there are no criteria or guidance on methodological assessment sanctioned by the Government to give appropriate weight to the value of the non-designated assets.

134. If the localism agenda is going to mean anything as far as built heritage is concerned, officers believe that stronger protection is needed for (a) locally listed buildings; and (b)

use of materials in conservation areas. Local authorities should also be able to set enforceable minimum information requirements for Heritage Statements. Emphasis should be placed on Councils having robust local policies that can effectively manage development in this district in line with the needs of the district.

### 20.3 Impact assessment question

135. **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?*

The Framework identifies a requirement for Councils to 'set out a strategy for conservation of the historic environment'. Currently Councils are asked that they 'should consider how they can best monitor the impact of their planning policies and decisions on the historic environment'. It is unlikely that this change will change our approach. It does underpin the need for a strategy on behalf of EFDC to be delivered and the resources required, especially given the large number of Conservation Areas within the district.

### 21.0 Protecting community facilities

136. The proposed change effectively broadens the scope of PPS4, which deals with community facilities 'in local centres and villages', to cover all such facilities. Authorities should therefore consider the availability and viability of community facilities and develop policies to safeguard against their unnecessary loss – these could identify specific buildings or developments and/or set out criteria for assessing planning applications. Such policies would not prevent unviable businesses closing, but can send a strong signal of importance of the asset to the local community, and encourage innovation/diversification to maintain viability.

#### 21.1 Implications for this council

137. Although the intention to deliver community facilities and local services is present, and this normally happens, financial issues can override community need. An example of this is the original St. Johns School rebuild, where the Leisure Centre was not included because of financial issues and Members' decision.

138. The wider use of school premises for the community should be reviewed at the outset. The second bullet point in 129 regarding the 'need and benefit' is so widely open to differences of interpretation, and depending on whose need and benefit it relates to, could lead to a weakening of the case for replacement facilities. It could also lead to building/alternative uses on existing open spaces, thus leading to less open space and recreational facilities.

139. The use of the words 'other than in special circumstances' again leaves this wide open for interpretation. The parameters of 'special circumstances' need to be stated, or else a system should be established to agree what they mean in each project. The language being so open to discretion could cause difficulties for Planning officers when considering submissions. It seems that in section 131 Designations can be listed, so why not 'special circumstances' parameters?

140. The Community right to build schemes could have a large impact on infrastructure. Communities can change frequently, and different people can represent them over time; this could be especially important during the long timeframe of some developments. How will the relative voices of differing parts of communities be heard and balanced? It is important that not only the most vocal are heard. It is possible that the needs of the current community could be addressed within permission, but the possible future needs of that community as it changes could be overlooked. How will projects affect neighbouring communities be considered? This does not appear to have



been addressed in the impact assessment.

## 21.2 Impact assessment questions

141. **QB3.5** *How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?*

Part of this is now included within day to day work on specific projects, so there is unlikely to be an increase in costs. However, fitting this into a community facilities policy would require more dedicated resource as of a one off, to get the policy and documental evidence established. The actual cost would depend on the size of the district/County etc. There would also need to be co-ordination and collaboration with neighbouring districts and Councils. There would be a cost to the various interested bodies that are responsible for community services to assist in collecting data.

142. **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?*

Any cost for the developer should be part of their project costs. They would probably use the above documentation to prove where loss can be justified or where community facilities had not been included. It would then be a cost to the community to disprove the case for losing a facility. Officers would need to assess what information is held corporately by the council and other public agencies before estimating resource costs.

## 22.0 Accommodation for Gypsy Roma Travellers (GRT)

143. The following question has been sent separately by CLG with the same deadline for response:

**Q18** *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?*

Officers are concerned (as noted in para 12 above) at the lack of steer in the draft NPPF on how to judge between the sometimes competing aims of protection of the Green Belt and the presumption in favour of sustainable development. It is very likely that future applicants for new GRT sites in the Green Belt will argue that their proposals are 'sustainable', when in fact they may not really be sustainable at all, for example in terms of location, transport and access to services.

144. Officers also feel that land supply for GRT pitches is very different to land supply for bricks and mortar housing, and thus requires a different approach. It would be almost impossible to produce a 5 year land supply for GRT sites as so little information is available on likely deliverable sites, let alone the requirement for an extra 20% of sites to be identified for the 5 year period.

145. Please see the enclosed Council response to the recent CLG consultation on Gypsy Roma Travellers, for more detailed comments.

## 23.0 General impact assessment questions – costs and benefits

146. **Q17a** *Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework? (NB this question is included in the Policy section of the consultation, but it seems to be more appropriate to include it here)*

The impact assessment suggests that it may cost up to £2.2m nationally for local Councils to familiarise themselves with the NPPF. A quick calculation involving an assumption of 2 hours reading, at an average cost of £51/hour for each officer (estimated from recent CIPFA analysis) for about 20 staff, leads to a total for this authority of under £2,000. When elected Members are included this increases to

roughly £4,000. The total, and the number of authorities in the country (roughly 320), suggests a total of £1.92m that the £2.2m estimate is reasonable. However, the assumption in the impact assessment is that officers and Members read the document once, and never have to refer to it again. In reality, both groups would need to read and interpret the document frequently, referring back for details on policy, and in order to judge individual applications. This would take considerable time, which is not factored in to the calculation.

147. Officers note that the impact assessment does not include the potential positive effects of reducing the physical volume of planning policy, as the NPPF will replace the vast majority of Planning Policy Guidance notes and Planning Policy Statements. Surely this would reduce CO<sub>2</sub> emissions by saving paper, and by reducing energy used on reading through policy documents online.
148. The analysis of appeal costs etc. are based on the current low economic cycle, which is concerning. Furthermore, the impact assessment suggests that appellants spend on average three or four times longer preparing their statements etc. than local authorities do. It is accepted that appellants will take longer than the authority, but not this much longer.
149. **QA1** *Views are welcomed on the Impact Assessment and the assumptions/estimates contained within it about the impact of the Framework on economic, environmental and social outcomes.*
150. There is a concern that the Framework may not have the intended wider positive environmental outcomes, if the presumption in favour of sustainable development is seen as paramount and above environmental objectives. It is also clear that the Government feel that the success of the new planning system and its efficiency are dependant of community participation and neighbourhood planning. This is a dangerous assumption for this district as the majority of key stakeholders are unlikely to be pro-growth. Therefore the social outcomes are unlikely to currently be what the Government desires. This is unless via the New Homes Bonus and other incentives local communities are open to seeing the benefits of development in their areas that is of a nature and scale that is in keeping with their settlements. The costs of producing Neighbourhood plans is also a contentious point. In a time where Councils are required to work more efficiently and save money the additional costs of between £10-60k for a district this size could be considerable, if costs are to be carried by EFDC, as would the officer time needed to facilitate this. Officers feel that the Government need to give more consideration to the actual costs of community planning seeing as it is central to the success of the NPPF.

As expressed earlier in this document the NPPF does not generally support biodiversity concerns as strongly as the current PPS9 (Biodiversity and Geological Conservation: 2005) and is significantly weaker than the recent Government White Paper on the Natural Environment (The Natural Choice: securing the value of nature: June 2011). This is a concern and this discrepancy has not been picked up in the Impact Assessment.

151. **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 Framework?* There is an assumption that the NPPF will be a simplification of processes. EFDC officers are not sure this is the case. There is a concern that there will be an increase in number of appeals due to some ambiguity around the presumption in favour of sustainable development. In this case mounted costs for the Council could be substantial as would be the amount of collective officer time spent. This is of great concern for many Councils and others as reported in the media, as this response is

being drafted.

152. **QA3** *Are the assumptions and estimates regarding wage rates and time spent familiarising with the Framework reasonable? Can you provide of the number of agents affected?*

At this time this estimate is not possible.

153. **QA4** *Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?*

The impact assessment suggests that the NPPF would save each local authority roughly £2m, when this Council's entire Development Management function costs less than £2m annually. How can the NPPF possibly save this much per year?

154. **QA5** *What behavioural impact do you expect on the number of applications and appeals?*

Higher number of applications but also a much higher number of appeals is anticipated

155. **QA6** *What do you think the impact will be on the above costs to applicants?*

At this time this estimate is not possible.

156. **QA7** *Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?*

To re-iterate that the reduction of the amount of National Guidance will create more issues than be of benefit. Officers strongly feel that there is a middle ground between existing lengthy policy and guidance and very, little causing ambiguity and confusion, as is currently being proposed. We would like Government to reconsider its point as would others.

#### **Reason for decision:**

To proactively respond to the Government's consultation on the draft National Planning Policy Framework

#### **Options considered and rejected:**

There were no other options considered other than a formal EFDC response to this consultation

#### **Consultation undertaken:**

Internal consultation has been undertaken, with officers from a wide range of Directorates giving comments on different sections of the draft NPPF. Proposed responses are now being brought to Members for their consideration.

#### **Resource implications:**

Budget provision:

The adoption of the final NPPF could have financial implications on this Council, in several areas, as outlined in the report.

Personnel:

There are likely to be resource implications related to changes potentially in relation to increased number of appeals, more resource intensive pre-application negotiations and wider/earlier statutory consultee engagement. This however is an assumption on the basis of

the current draft and discussions with other organisations on the NPPF, who have raised similar concerns.

Land:

The adoption of the final NPPF could have an impact on land which the Council owns within the district, as it proposes changes to the way that planning policies are created and the way that planning applications are dealt with. At this stage and given that the NPPF is a draft, officers are not able to make a definitive statement in relation to its impact on land allocation.

Community Plan/BVPP reference:

Corporate Plan Key Objective 2011/12 no. 6: To maximise the provision of affordable housing within the district

Corporate Plan Key Objective 2011/12 no. 8: To deliver a sound Core Planning Strategy, to guide development in the district up to 2031, as part of the Local Development Framework.

Relevant statutory powers:

Planning & Compulsory Purchase Act 2004, as proposed to be amended by the emerging Localism Bill 2011

Background papers:

Appendix 1: Proposed responses to NPPF consultation

Appendix 2: GRT consultation covering letter (August 2011)

Appendix 3: GRT consultation response (August 2011)

[Draft National Planning Policy Framework](#)

[Draft National Planning Policy Framework: Consultation document](#)

[Draft National Planning Policy Framework: Impact assessment](#)

[Report to LDF Cabinet Committee 14/06/2011 re: Planning for Traveller Sites](#)

Environmental/Human Rights Act/Crime and Disorder Act Implications:

None that can be quantified at present.

Key Decision reference: (if required)

None