House of Commons
Communities and Local Government Committee

The National Planning Policy Framework

Eighth Report of Session 2010–12

Volume I: Report, together with formal minutes, oral and written evidence

Additional written evidence is contained in Volume II, available on the Committee website at www.parliament.uk/clgcom

Ordered by the House of Commons to be printed 15 December 2011
The Communities and Local Government Committee

The Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Communities and Local Government.

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The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Glenn McKee (Clerk), Judith Boyce (Second Clerk), Josephine Willows (Inquiry Manager), Kevin Maddison (Committee Specialist), Emily Gregory (Senior Committee Assistant), Mandy Sullivan (Committee Assistant), Stewart McIlvenna, (Committee Support Assistant) and Hannah Pearce (Media Officer).

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Summary

Planning is a balancing act, which requires consideration of the preservation, use and development of land for this and future generations, within the context of agreed social, environmental and economic needs. Inevitably, there is often disagreement among competing interests on the best use of the same land, and the planning system must resolve such conflicts. Hard decisions have to be made and the National Planning Policy Framework has to provide the framework to get the balance right.

The Government wants the planning system to be less complicated, more receptive to all forms of sustainable development, and able to reach effective decisions more quickly. These aims can be generally supported and, while the draft NPPF has generated a heated debate, there was little evidence of any desire to either retain the existing system or to start again on the NPPF.

There is certainly disagreement between those insistent that the document is a crucial catalyst in encouraging much-needed development, and those who fear the document will undermine the planning system to the detriment of the environment and local communities. At the forefront of the debate is the ‘presumption in favour of sustainable development’ policy, which the Government views as a golden thread running through the planning system and, as noted in the report, the Prime Minister has said that: “I believe that sustainable development has environmental and social dimensions as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole, and of our proposals for it, is to achieve such a balance.”

The Government has set great store by the brevity and simplicity of the NPPF, but in its current form the draft NPPF does not necessarily achieve clarity by virtue of its brevity. There are many examples of inconsistent drafting which need addressing. The significant gaps in planning policy and guidance could lead to a huge expansion in the size of Local Plans as local authorities attempt to plug the gap.

There is a danger that, far from speeding up the planning process, in the short term the NPPF will slow it down by introducing ambiguity where previously there was detailed guidance—‘planning by appeal’ could be the outcome.

The NPPF’s focus on economic growth also informs Local Plans and neighbourhood plans. Its emphasises a ‘default yes’ to development, that applications should be approved unless the adverse effects ‘significantly and demonstrably’ outweigh the benefits, and it weakens policies such as brownfield development first and Town Centre First. This carries the risk of the planning system being used to implement poorly planned, unsustainable development. The ‘default yes’ to development and the phrase ‘significantly and demonstrably’ should be removed from the text. The report welcomes the Minister’s indication that he is minded to introduce changes to reflect the concerns about brownfield and Town Centre First issues.

Also of concern is the test of ‘viability’, which could allow unsustainable development to go ahead if measures to make it sustainable were, at the same time, deemed to make it
The phrase ‘sustainable development’, which is key to the policy in the NPPF is a poorly defined phrase—for example, the document continually conflates ‘sustainable development’ with ‘sustainable economic growth’. Again, the report has taken account of the Minister’s indication that it be would appropriate for development not merely to protect, but to enhance the environment. As the report quoted, the Minister said that “a cogent case has been made […] for expanding and strengthening the definition in the NPPF.” The report made suggestions to improve the definition, which gives a clear indication of what constitutes sustainable development, while encouraging local authorities to apply this definition to their own local circumstances.

The role of Local Plans remains, in statute, the basis of the planning system, and we agree with the Government that it is unacceptable that so many parts of England are not covered by an adopted Plan under the 2004 legislation. We therefore support the impetus for more local authorities to develop and adopt Local Plans. The NPPF should unambiguously reflect the statutory supremacy of Local Plans, in accordance with the 2004 Act. Where there is a Local Plan in place, the Local Plan should be the starting point for planning decisions. Local Plans should be transparent, based on robust evidence, and capable of providing the necessary development in a specific area, reflective of local circumstances. The presumption in favour of sustainable development, as currently drafted, risks presenting itself as a decision-making mechanism on a par with, or even superior to, the Local Plan. The presumption policy should be redefined as ‘a presumption in favour of sustainable development consistent with the Local Plan’. This anchors sustainable development to local circumstances and provides a spur to local authorities to prepare their Local Plans.

A transition period to the new NPPF, with a clear and realistic timetable, is essential to give local authorities time to put Local Plans in place, and to reassure local authorities, communities and developers on the status of Local Plans that are close to adoption, or have recently been adopted. An ability for Local Plans to be regularly updated in a light touch manner will increase certainty and reduce the likelihood of challenge.

The published, final NPPF will be a significant document, with far-reaching consequences. It therefore needs to be balanced and comprehensive. Now is the opportunity to take on board the suggested changes we are recommending, based on the evidence we have received, to produce a well crafted, effective document, used to inform planning decisions across England, while addressing specific geographical differences, ensuring that the Local Plan forms the ‘golden thread’ woven into the heart of the process. There is the need for a clear narrative demonstrating the place of the NPPF in wider planning reforms and its relationship to other relevant central and local Government policy documents. The NPPF must leave no room for doubt that the purpose of the planning system is to address social, environmental and economic demands on land supply on an equal basis.
1 Introduction

1. “Planning is part art, part science and part politics, quite rightly, and there will be uncertainties, difficulty and argument all the time”. Planning has to balance the development, use and preservation of land for this and future generations, within the wider context of social, environmental and economic needs. The proposed National Planning Policy Framework (NPPF) is a key part of the Government’s overall programme of reform of the English planning system.

2. The Coalition Agreement (published in May 2010) committed the Government to present to Parliament a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities.

In December 2010, the Department for Communities and Local Government (DCLG) published a general consultation, inviting organisations and individuals to suggest ways in which to make the planning system more streamlined and more decentralised. DCLG received around 3,426 responses by the deadline of 28 February 2011. Also, in December 2010, the Minister for Decentralisation and Cities, the Rt Hon Greg Clark MP, set up a ‘Practitioners Advisory Group’ (PAG) to prepare a first draft of the NPPF. The PAG published its draft on 20 May 2011. Subsequently, in July 2011, the Government published its draft of the NPPF for consultation. The consultation ended on 17 October 2011 and DCLG received over 10,000 responses. DCLG has indicated that the new national planning policy will be published by April 2012 and that the finalised document will replace all current Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs).

Our inquiry

3. The Minister invited us to comment on the draft NPPF as part of the consultation process and, when giving evidence, he assured us that he would take our views into account. Given the importance of the changes proposed, their objectives and the critical impact they may have, we were anxious to accept the Government’s offer and altered our

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1 Q 51 [Hugh Ellis]
3 PAG had four members: Pete Andrew (Director of Land and Planning, Taylor Wimpey UK); Simon Marsh (Acting Head of Sustainable Development, RSPB); Cllr Gary Porter (Leader of South Holland District Council and then Chair of LGA Environment and Housing Programme Board); and John Rhodes (Director of Quod planning consultancy).
4 HC Deb, 20 October 2011, col 1077
5 DCLG, Business Plan 2011–15, November 2010, p 26
6 DCLG, Draft National Planning Policy Framework: consultation, July 2011, p 34
7 DCLG, Draft National Planning Policy Framework [NPPF], July 2011, p vi
8 Q 337
programme to carry out this inquiry, the focus of which was mainly on the content of the draft NPPF itself rather than its rationale. We duly launched our inquiry in July 2011. On 25 July, we issued a call for evidence asking whether:

- the NPPF gives sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while giving local communities sufficient power over planning decisions;
- the definition of ‘sustainable development’ is appropriate and whether the presumption in favour of sustainable development is a balanced and workable approach;
- the ‘core planning principles’ are clearly and appropriately expressed;
- the relationship between the NPPF and other national statements of planning-related policy are sufficiently clear, and whether the NPPF serves to integrate national planning policy across Government Departments;
- the NPPF and the ‘duty to co-operate’ provide a sufficient basis for larger-than-local strategic planning; and
- the policies contained in the NPPF are sufficiently evidence-based.

We also invited those submitting evidence to offer a brief general assessment of the fitness for purpose of the draft NPPF as a whole. Because of the constraints of time, we did not invite comments on the range of policy contained in the NPPF, except where policy changes raised specific issues, and we did not invite comments on the wider need for, and scope of, planning policy guidance, except for guidance on the NPPF itself.

4. We received over 130 written submissions and we held four oral evidence sessions in October and November, inviting witnesses from a range of sectors and interest groups: academics; the planning sector; local authority representatives; environmental groups; organisations whose interests were not explicitly included in the NPPF, but considered that they should be; the property sector; and business representative organisations. We are grateful to all those who gave evidence, and we would also like to thank our specialist advisers, Kelvin MacDonald and Richard Bate.9

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9 Kelvin MacDonald declared the following interests: Chief Policy Adviser to the Royal Town Planning Institute (RTPI) which involves, inter alia: (i) working with Government Ministers, CLG civil servants, other interested groups, and members of the House of Commons and the House of Lords in relation to the planning related Clauses of the Localism Bill; this work includes preparing briefings, suggesting amendments and attending meetings with all the groups, above, as part of RTPI delegations; (ii) acting as the RTPI’s representative on a Planning Sounding Board first established by the Conservative Party before the 2010 election and now chaired by John Howell MP, PPS to Decentralisation Minister, Rt. Hon. Greg Clark MP; this group is considering the Localism Bill and the nature and content of the National Planning Policy Framework. Registered Commissioner on the Infrastructure Planning Commission (IPC), which meant he cannot, therefore, express opinions on the merits of any nationally significant infrastructure project (NSIP) that may come before the IPC currently or in the future. Senior Visiting Fellow at the Department of Land Economy, Cambridge University; Member of the Enabling Panel for the Design Council – CABE; Member of the Board of Trustees of Shelter.

Richard Bate declared the following interests: Town planning consultant and member of the Royal Town Planning Institute who has been employed over the years by many clients, including Government Departments and Agencies, seeking advice on current and future national planning policy and has provided advice on national planning policy to organisations such as the National Trust, Minerals Industry Research Organisation, Joseph Rowntree Foundation,
5. The Environmental Audit Committee (EAC) also launched an inquiry, with the more specific remit of examining the extent to which the NPPF reflected sustainable development principles. This followed on from its earlier inquiry on sustainable development in the Localism Bill, which discussed the need for the legislation to provide a statutory duty to apply the principles of sustainable development in the planning system. The EAC held one oral evidence session, and set out its conclusions and recommendations in the annex to a letter to our Chair, dated 9 November. We thank members of the EAC for their constructive contribution; it has been of considerable assistance in our deliberations and in drafting our Report, particularly providing the backbone to Chapter 4 in our Report on the definition of sustainable development. It is our intention to monitor the effect of the finalised Framework published by the Government, and later in this Parliament we expect to examine the impact of the changes to planning.

6. We can report that most witnesses to our inquiry were broadly content with the concept and approach of the NPPF in simplifying planning guidance and did not want a wholesale re-write. We recognise that the draft NPPF is just that, a draft, and not finalised. A significant part of inquiry therefore has sought to suggest improvements. Central to our consideration of the draft NPPF was an examination of the way in which it will, as guidance, interact with the statutory position of Local Plans as the bedrock of the planning system. Much of the country is not at present covered by a Local Plan prepared under the 2004 legislation. The NPPF seeks to stimulate the production of Local Plans, and also to provide both a policy context within which new plans should be developed, and a basis for decision-making in the absence of a Local Plan. In this report we consider first the Government’s justifications for introducing the NPPF. We then go on to consider whether the content of the draft NPPF provides a clear basis for balanced decision-making, the processes by which Local Plans will be compiled, their relationship to the NPPF and the transition to the new system, and finally we look at some individual policy changes which have a bearing on the potential impact of the new planning regime.

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10 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480
12 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, p 4
2 The case for reform

7. The Coalition Agreement set out the Government’s intention to publish a “simple and consolidated national planning framework”. It also pledged to build on the principles of the Conservative Party publication Open Source Planning by giving neighbourhoods “far more ability to determine the shape of the places in which their inhabitants live”, and to create a presumption in favour of sustainable development in the planning system. The latter was set out in the Environment, Food and Rural Affairs section of the Coalition Agreement, but more detail on the planning reforms was later provided in a joint Treasury and Department for Business, Innovation & Skills publication, The Plan for Growth, in March 2011. In this document, the new presumption was described as “powerful [...] so that the default answer to development is ‘yes’”. The National Planning Policy Framework would be “inherently pro-growth”, and the Government wished to “set clear expectations that with immediate effect local planning authorities and other bodies involved in granting development consents should prioritise growth and jobs”.

8. The presentation of the NPPF as “inherently pro-growth” led the National Trust to comment that

the Government appears to be fundamentally changing the purpose of the planning system. We are particularly concerned that in doing this the fundamental principles of maintaining a balanced planning system whereby no public benefit is given weight over another is under threat.

9. In a debate in the House on the NPPF on 20 October 2011 the Minister, Greg Clark, sought to reassure that:

it is not our intention to change the purpose of the planning system. There has been some suggestion that the proposals represent a fundamental change in what the system is about, but they do not. They will, quite rightly, balance the environmental, the social and the economic, and there is no change in that regard.

10. We asked the Minister to outline in oral evidence to us the Government’s intentions in reforming the planning system; his response was couched in terms of localism and transferring power to communities, and did not refer to economic growth. He spoke of the need to change the current system because it was “very centralised and very top-down in its impositions” which “can have the effect of alienating people from the process.” Community engagement in the process of producing Local Plans would be promoted, in his view, by a much simpler policy framework, and the ultimate aim was for “decisions to...
be taken locally.”18 We will examine further the implications of the Government’s localist ambitions in Chapter 6.

11. RTPI Chief Executive Trudi Elliot warned that “it is unwise to talk about the costs of planning without also talking about the benefits of planning to the economy”.19 These include what Adrian Penfold, author of the 2010 Penfold Review of Non-Planning Consents, referred to as “the abattoir effect”—the certainty the planning system gives to developers that, having made an investment, they will not see it devalued by, for example, planning permission being granted for an abattoir next to their residential or office development.20 ‘Place-shaping’ is also a valuable process: although restrictions on erecting tall buildings across Westminster incurs an indirect cost on businesses which might have wished to occupy such buildings, nonetheless there is a more general benefit in Westminster not being an area of dense high-rise development.21

12. We received much anecdotal evidence as to whether the planning system is currently an obstacle to growth or whether other factors are more important in slowing the economy and curtailing the level of house building. There were different views as to whether any problems that did exist with the planning system were more to do with process than policy or guidance. We found no conclusive research, however, that planning policy or guidance is a particular constraint on economic development. For the purpose of this Report we have chosen to concentrate on the specific content of the draft NPPF, rather than the rationale for its production. The costs and benefits of the planning system are an issue which should be the subject of further independent research and is one which the Committee may wish to return to at a future date.
3 The brevity and simplicity of the NPPF

What is the purpose of the NPPF?

14. In the NPPF’s foreword, the Minister for Decentralisation and Cities, Greg Clark, explains that the purpose of the NPPF is to bring together policies from all existing national planning policy documents into one succinct document:

People have been put off from getting involved because planning policy itself has become so elaborate and forbidding— the preserve of specialists, rather than people in communities. This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.22

The NPPF is a document that both guides the writing of Local Plans, and is used as a substitute Local Plan when none has been produced by a local authority.23 Brevity and simplicity in any document are laudable aims, provided they are not at the price of clarity, effectiveness and comprehensiveness, and do not lead to confusing omissions. Planning policy must be sufficient to guide both developers and decision-makers, and to explain the issues and priorities that should influence decisions on land use. This chapter explores whether the NPPF achieves these aims.

15. Some organisations, most prominently developers, welcomed the streamlining of planning policy.24 John Rhodes—a member of the Practitioners’ Advisory Group (PAG)—highlighted the problems with the volume of the current guidance on planning policy:

The sheer scale of planning policy has grown relentlessly over the last 20 years. [Current planning policy] is far too long to be accessible to the public or to convey a clear and consistent message about what is genuinely important in informing planning decisions.25

He told us that the NPPF is written “in plain English” and is therefore easier to understand than current documentation.26 Dr Adam Marshall of the British Chambers of Commerce (BCC) told us that:

A few [BCC] members have said to me that they have already read the NPPF, which is a huge change from […] the nine volumes of planning guidance with which none of them had even engaged.27

22 Draft NPPF, p 2
23 Draft NPPF, para 26
24 Ev w67 [Taylor Wimpey UK Ltd]; Ev w158 [County Councils Network]; Ev w187 [The Federation of Master Builders]; Ev w247; Qq 2, 8
25 Ev 84
26 Q 34
27 Q 2
Another of the four practitioners, Cllr Gary Porter, representing the Local Government Association, agreed that the NPPF is more accessible:

At the moment, local communities have planning done to them and not done with them and for them. Hopefully we will have a planning system that ordinary people can understand rather than only people with planning degrees; perhaps then we will get more engagement with the system. I am a great believer that the existing system is too complicated.28

Stuart Hylton of the Planning Officers Society, however, commented that he was not aware of many major developers who are sitting there thinking, ‘I'm not going to make that planning application until such time as the Government simplifies its planning policy.’ I think there are other much more important factors that are driving decisions about whether or not to take forward development.29

16. Adrian Penfold told us that planning policy and guidance had to change because of the consequences of the Localism Act 2011, with the resulting reduction in Government prescription.30 He went on to describe the confusion surrounding the NPPF document and asked some rhetorical questions:

Is it a reduction in policy? Is it a simplification? Is it just an exercise in précis? Or is there new policy? I think all four are in there, and a bit more clarity about which is which would be helpful.31

17. The Royal Town Planning Institute (RTPI) also identified a confusion about the status of the document: was it a succinct guide to planning for the general public; a technical policy document for practitioners; or a mixture of the two?32 To address the question of the purpose of the NPPF, RTPI recommended “a stronger narrative” about how the elements fit together in the document, which “might assist us all in navigating our way through the changes and ending up with a workable planning system, with the minimum amount of transitional turbulence.”33 RTPI pointed out that “the Government needs to be clear what they want on the tin, and the contents of the tin need to match the outside.”34

18. When asked about the purpose and status of the NPPF document—whether it was a plain English guide to planning policy, a precise technical document or a quasi-legal document—the Minister replied:

The most important document is the Local Plan. Decisions have to be taken with regard to that, legally under section 38(6) of the 2004 Act. […] It is important that
the national policies to be taken into account are written in an intelligible way. It is, of course, also desirable that they should not be ambiguous, so the drafting challenge to be clear is to capture a language and a tone that is accessible and understandable, without having the legalistic language—given that it is not statute law—that can exclude. That is our challenge. A lot of the submissions that I have seen have commended the type of tone and drafting of it and, of course, have specific suggestions that I am all ears for.35

How much planning guidance is needed?

19. Cutting Edge Planning and Design drew what we found to be a useful comparison between the draft NPPF and its equivalent policy document in Wales:

The [NPPF] is punchy. […] But punchiness does not mean that the document is clear or fit for purpose. […] Planning Policy Wales shows that it is possible to reduce national policy considerably (in their case to around 200 pages) without losing its essence or clarity—following four iterations, it has been widely praised and easy to use ([speaking] as a planning practitioner). There are aspects of English national policy where the editing pen has gone too far—deleting crucial national polices.36

It suggested that “[a] better crafted document of 100-150 pages could have set the right balance between brevity and clarity.”37

20. Many submissions argued that the brevity of the NPPF meant it was lacking in important detail, and that this was more likely to lead to greater uncertainty and delay.38 We received a range of evidence that highlighted concerns with the NPPF, including the removal of technical guidance. The Confederation of UK Coal Producers pointed out that under the current arrangements “guidance provides specific well-founded, technical advice, which has come to be relied on, and its absence could create an area of conflict that does not presently exist.”39 Whether or not the document is easy for the public to understand is a very different question from whether a self-contained NPPF is an adequate tool for planners to use and rely upon.

21. Hampshire County Council summarised concerns that the NPPF had “over-simplified existing policy guidance to such an extent that a great deal of important detail is lacking in a great many areas.”40 While often supporting the aim of streamlining policy in the abstract, many organisations drew our attention to specific policy areas in which they

35 Q 320
36 Ev w11
37 Ev w12
38 For example: Ev w130 [The Renewable Energy Association]; Ev w91 [West Berkshire Council]; Ev w42 [Hampshire County Council]; Ev 91 [West Berkshire Council]; Ev 113 [Planning Officers Society]; Ev w38 [Mineral Products Association]; Ev 139 [CPRE]; Ev w61 [Woodland Trust]; Ev w133 [Confederation of UK Coal Producers]; Ev w134 [Sport England]; Ev w142 Business in Sport and Leisure]; Ev w146 [West Midlands Planning and Transportation Sub Committee]; Ev w153 [UK Environmental law Association]; Ev 147 [Shelter]
39 Ev w134; see also Ev w126 [ARUP]
40 Ev w42
considered the baby to have been thrown out with the bathwater.\textsuperscript{41} Barratt Developments plc, for example, stated that “the NPPF reduces affordable housing guidance to a single bullet point and a definition in the glossary. This appears insufficient for such an important subject.”\textsuperscript{42} Other evidence expressed regret at the loss of detail in Planning Policy Statements relating to a range of issues which included housing, transport, open space and sport, renewable energy and the historic environment.\textsuperscript{43}

22. This raises the issue of the status of the NPPF in relation to other relevant national policy documents, such as The Plan for Growth and the Natural Environment White Paper, and whether the Framework is meant to stand alone as the sole source of national policy on planning and development or whether it is, in fact, one of a suite of such documents. Dr Hugh Ellis, Chief Planner at the Town and Country Planning Association, wanted a clearer statement of the relationship between the NPPF and National Policy Statements:

How do NPSs relate to the NPPF? We are about to publish a networks national policy statement that is not related to an understanding of housing provision. That is extraordinary. [...] The NPPF [should] set out clearly its relationships with that national policy framework and also include some vision.\textsuperscript{44}

23. We welcome the fact that the Minister is receptive to specific suggestions for improvements to the NPPF. We consider that there needs to be a clear narrative at the start of the NPPF, stating: where planning policy has stayed the same, but has been simplified or summarised; where new policy has been introduced; where current policy has been changed or removed; and the relationship of the NPPF to other national policy documents, including National Policy Statements and the Natural Environment White Paper. There is no harm in increasing the length of the document moderately, if that results in a more comprehensive and less ambiguous document.

\textbf{Clarity and terminology}

24. RTPI highlighted what it considered were inconsistencies in the NPPF’s terminology and suggested that “particular effort must be given to ensuring that the wording of policies was technically precise to avoid misinterpretations.”\textsuperscript{45} It cited the use of different adjectives used to describe the word ‘weight’, in different and sometimes competing contexts:

‘significant weight’ applied to supporting economic growth; ‘great weight’ to be given to protecting landscape and scenic quality; ‘substantial weight’ to apply to green belt harm; ‘considerable importance and weight’ to apply to conserving heritage assets. The NPPF gives no indication as to how different investors or decision makers will

\textsuperscript{41} Ev w46, Ev w93
\textsuperscript{42} Ev w49
\textsuperscript{43} Ev w66 [The Institute for Archaeologists]; Ev w82 [Highbury Group on Housing Delivery]; Ev w87 [Historic Houses Association]; Ev w131 [Renewable Energy Association]; Ev w254 [Renewable UK]
\textsuperscript{44} Q 60
\textsuperscript{45} Ev 152
be expected to balance these different weights in individual cases. However, the rhetoric surrounding the NPPF (e.g. that the alleged default ‘no’ response to applications should become ‘yes’) is interpreted by some to imply that the ‘significant weight’ to be applied to supporting economic growth is expected to outweigh the weights to be applied to other factors.\footnote{Ev 152-53}

25. The Chartered Institution of Water and Environmental Management cited specific inexact uses of words in the Framework:

In general, the NPPF tends to use words which are unhelpful. A ‘plan’ is something which is quite definite, clear and actionable. A ‘strategy’ is more of an aspiration and a direction. Yet in this framework, it is quite clear to see that the plan is considered to be a strategic document rather than a planning document. There is a need for strategic priorities but this should not be in a plan, what is needed is a ‘local strategy’ in which a Local Plan provides actionable detail.\footnote{Ev 162}

26. Others considered certain terms used in the document to be ambiguous and poorly defined—terms such as ‘substantial harm’, ‘viable’, ‘medium term’, ‘positive contribution’, ‘significantly and demonstrably’ and ‘severe’.\footnote{Ev w87 [Historic Houses Association]; Ev w296 [London Councils]}

Sir Simon Jenkins, Chair of the National Trust, summed up these concerns:

The Planning Framework is so vague you will have one row after another. [It is] inconceivable that this document is going to yield you faster, clearer and more certain planning. It really will not. [...] The language is so vague as to be easily actionable and the process itself has new tiers latched onto it. It is the opposite of making it simple.\footnote{Qq 110, 113}

27. The fear of “planning by appeal” was highlighted in evidence\footnote{Ev 93 [TCPA]; Ev 141 [CPRE]; Ev w100 [Living Streets]; Ev w295 [London Councils]; Q 139 [Stuart Hylton]; Q 260 [Stephen Joseph]; Q 196 [Tony Burton]}

, with Hampshire County Council writing that the bias towards economic factors in the NPPF will lead to more delay rather than a speedier system, more confusion rather than greater clarity and, ultimately, a by-passing of the plan-led system as more and more decisions are determined through the appeal process.\footnote{Ev w43}

London Councils highlighted that the ambiguity in the NPPF’s language would lead to different interpretations and therefore inevitable, and costly appeals, “which in a time of reduced resources, having to pay for planning appeals may threaten the ability of local authorities to properly resource other important planning functions”.\footnote{Ev w296} Tony Burton, from Civic Voice, told us that, where there is no Local Plan in place, the NPPF allows a
developer to propose whatever they want to do “and go to appeal, which is what the NPPF allows.”

28. The Government needs to study the different alternative suggestions, and produce another draft that is more precise and better defined; the NPPF may not be statute law, but its content is still justiciable and it is important to get it right. The Government should not treat the NPPF as if the number of pages in it were more a mark of its quality than the utility, clarity and consistency of the policies within it. Nor can all planning policy necessarily be reduced to very simple terms.

29. Brevity and simplicity are to be applauded in any document. However, we consider that the NPPF does not achieve clarity by its brevity; critical wording has been lost and what remains is often unhelpfully vague. If the NPPF is to be a document that assists with practical decision-making, rather than a lawyers’ charter or an easy-to-read guide to the planning system, its drafting must be more precise and consistent, and sufficiently detailed to enable local authorities to write their own Local Plans. The Government should carefully consider the alternative drafts, submitted by many organisations as part of DCLG’s consultation, in order to produce a tighter, clearer document, and should not make a fetish of how many pages it is. Examples of such words and phrases needing tighter definitions in the NPPF include: ‘significant weight’; ‘great weight’; ‘substantial weight’; ‘considerable weight’; ‘significant flexibility’; ‘a high degree of certainty’; ‘sustainable economic growth’; ‘absent’; ‘silent’; ‘indeterminate’; ‘out-of-date’; ‘certificate of conformity’, ‘where practical’; and ‘where reasonable’.

Additional guidance

30. A key to dissipating the confusion that has surrounded the draft NPPF is to what extent it provides guidance as well as policy. The Minerals Products Association highlighted that the different roles of guidance and policy have been interchanged in the document:

It is not clear from the draft NPPF what function policy and guidance respectively have in the planning system. […] By virtue of the title, the role of the NPPF is to set out national planning policy, not to give guidance.

John Rhodes told us that the Practitioners’ Advisory Group thought that planning guidance was part of what they saw as a problem in the planning process:

The planning system is bogged down by a great deal of guidance that tends to suffer from the same problem; it is very repetitive. For instance, we looked at PPS 12, which is about preparing plans. It is a pretty good document, but the guidance that sits behind it is the reason why seven years after the 2004 Act, we still do not have a network of up-to-date plans across the country. The planning system is just too slow.

53 Q 196
54 Ev w49
55 Q 8
31. The accompanying *Impact Assessment* of the NPPF states that there will be
a fundamental review of all the supporting documentation (which comprise a further
6,000 pages across a further 160 documents) to identify those areas where it is still
appropriate for the Government to issue good practice guidance: in the majority of
cases, we expect that any future good practice guidance would be developed and
owned by relevant external bodies, rather than being specified centrally.\(^{56}\)

Several submissions highlighted the risks involved in external bodies formulating
additional guidance.\(^{57}\) For example, Barratt Developments plc said that:

> Even when some of the additional documentation is produced it is uncertain if this
> ‘good practice’ would be official government policy or just the wishes of a lobby
> group. This Company considers it is essential that the Government should have
> ownership of core documents irrespective of the body that initiated their
> preparation.\(^{58}\)

We support the view that the Government needs to take ownership of key additional
guidance that is produced on aspects of planning policy, to avoid competing bodies
producing guidance to support their own aims, or contradictory guidance.\(^{59}\) We note that
while most organisations broadly supported the aim of reducing the overall length of
current policy, many of them asked for the retention of specific policies in the areas of most
interest to them. This indicates that those familiar with, and needing to use, policy on
particular topics find a certain amount of detail and guidance helpful.

32. When asked about additional planning guidance being available to local authorities, the
Minister described the status of current and future guidance:

> There is guidance available, for example, on housing market assessments and things
like that, and we will want to consider that, but we must take one thing at a time. Let
me outline the choices. One downside of government guidance is that it becomes
quasi-legal if it comes to a court case or an appeal. Even though it is meant, literally,
to be guidance and quite a benign thing to help you out, it can be cited, and you can
be accused of not having followed it; that happens not just in planning, but in every
walk of life. One does not want to empower communities in one way and then
disempower them by requiring them to follow other documents as if they were legal
documents. However, implicit in that is my acceptance that, on various technical
aspects, it is reasonable to give some guidance. […] One suggestion is that we work
with the professional bodies, for example, to promote guidance on the more
technical aspects. We have not taken any decisions on that, but it is a helpful
suggestion.\(^{60}\)

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\(^{56}\) NPPF Impact Assessment, p 9

\(^{57}\) Ev w49 [Barratt Development plc]; Ev 102 [British Property Federation]; Ev w77 [House Builders Association and the
Planning and Development Association]; Ev w121 [Banbury Civic Society]; Ev w233 [Country Land and Business
Association]

\(^{58}\) Ev w49

\(^{59}\) Ev w233

\(^{60}\) Q 341
33. At least until new guidance is produced, the continuing relevance and force of the body of current planning guidance under the NPPF needs to be clarified and secured. We recommend that once the NPPF is published, all guidance and advice documents be reviewed by DCLG—in consultation with local authorities—item by item, so that the content of the documents that local authorities find operationally and technically useful can be retained for reference in some form, lest councils spend valuable time reinventing numerous wheels. New guidance produced by third parties or groups of practitioners should have government ownership, to ensure consistency of approach.

34. An additional confusion is that the Government’s publicly-stated position that unsustainable development should not be approved is not, in fact, precisely reflected in the draft NPPF.

35. It is highlighted in the Government’s *Easier to read summary – draft National Planning Policy Framework*:

   The presumption is a new policy designed to ensure that the planning system as a whole focuses on opportunities. The presumption means that where Local Plans are not up-to-date, or not a clear basis for decisions, development should be allowed. But the development should not be allowed if it would undermine the key principles for sustainability in the Framework (such as protecting the Green Belt and Areas of Outstanding Natural Beauty). The presumption also means that where development is in line with the Local Plan, it should be allowed without delay.\(^{61}\)

36. The draft NPPF simply states that development should not be allowed if its adverse impact would “significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.\(^{62}\)

37. The Government should focus on arriving at consistent and succinct wording on this issue, clearly identified as such and within the NPPF. **The Government’s documents relating to the NPPF risk creating confusion. Any such ambiguities must be resolved within the document itself, as supporting statements made to explain or moderate its meaning are unlikely to remain reference sources in the years ahead.**

**Policy topics not included in the NPPF**

38. The brevity of the draft NPPF compared to the body of planning guidance it replaces caused anxiety for groups who believed that as a result their areas of interest were no longer adequately represented in national policy. Such groups feared that absence from national policy would downgrade appreciation of those planning topics, cause local planners to overlook particular community assets, or introduce uncertainty about the weight such assets should be accorded in planning or decision-making.\(^{63}\) Tony Burton, Director of Civic Voice, explained the root of these concerns, arguing that, in areas not covered by an

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61 Draft NPPF, Easier to read summary, p 4
62 Draft NPPF, para 14
63 Ev 124
up-to-date plan, unless it can be shown that a proposed development will cause “significant harm” to some asset, feature or amenity which is explicitly acknowledged in the NPPF, “it is pretty much a free-for-all.” Mr Burton spoke of the need, therefore, for “the safety net of a reference in the NPPF.”

39. A significant number of the submissions we received, for example, drew attention to the lack of specific references to culture and the arts in the draft NPPF. The Theatres Trust regretted that PPS4’s reference to the importance of culture and other uses such as theatres and concert halls in relation to the vitality of town centres was not replicated in the draft NPPF, despite other PPS4 policies being incorporated. Mhora Samuel, Chief Executive of the Trust, suggested that the section of the Framework on sustainable communities, which refers to open space, recreation and sport “could very easily incorporate the words ‘culture’ and ‘cultural uses’ and therefore offer clarity to local planners.” She argued that there was precedent for such an addition in a Government amendment to the Localism Bill, which clarified that assets of community value could be defined according to cultural, recreational or sporting interests, under the broader category of “social interests.” The definition of sustainable development set out in the 2005 UK Sustainable Development Strategy also referred to cultural activities.

40. By replacing voluminous planning policy with a much shorter document, and then establishing that this document will be used to determine planning decisions in the absence of a Local Plan or in the event that a Local Plan is silent on a particular issue, the Government has given many interest groups cause for concern. Unless their areas of interest and certain well-established policies are referred to explicitly in the text of the NPPF, they understandably feel that the new system puts important community assets at the mercy of the presumption in favour of sustainable development. We conclude that without lengthening the Framework excessively it should be possible for the Government to allay fears about a lack of detail and omissions from the NPPF, by cross-referencing other documents and by adopting a more inclusive definition of sustainable development. The revised NPPF should also reassure local authorities that they are permitted to take into account in their Local Plans issues that are not explicitly referred to in the Framework.

41. While the general thrust of the Report is about the wider planning issues, we received strong representations on specific issues and we have concerns about some unintended

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64 Q 196
65 Q 202
66 Ev w81 [The Little Theatre Guild of Great Britain]; Ev w95 [Voluntary Arts]; Ev w97 [The Kings Theatre Trust]; Ev w103 [The Partnership for Urban South Hampshire Quality Place Delivery Panel]; Ev w117 [ixia]; Ev w118 [Alan Butland]; Ev w157 [The National Federation of Artists’ Studio Providers]; Ev w177 [English Heritage]; Ev w221 [Liverpool and Merseyside Theatres Trust]; Ev w258 [Institute of Historic Building Conservation]; Ev w145 [Michael Holden]; Ev w292 [The Design Council]; Ev w321 [The Heritage Alliance]
67 Q 181; DCLG, Planning Policy Statement 4: planning for sustainable economic growth, 2009, para 7.4
68 Q 188
69 Q 187
70 Q 198
consequences arising from the wording used in the draft NPPF or the omission of an issue from the document. For example, the definition of affordable housing in the draft NPPF is different from that contained in PPS3: rather than referring to a cost low enough for households to afford, in the context of local incomes and local house prices, it refers to housing where eligibility is determined with regard to local incomes and house prices. Shelter pointed out that this could result in a scenario where housing is considered affordable if its eligibility is determined by income, even if it is unaffordable to people of average or below average incomes.\textsuperscript{71} In such cases, it must be clear whether the Government intended to make a change, or whether the draft Framework has simply imperfectly reflected continuing policy. \textbf{We do not support the change in the definition of affordable housing represented by the wording in the draft NPPF. We recommend that the current definition of ‘affordable housing’, contained in Planning Policy Statement 3, be reiterated in the draft NPPF to avoid any confusion.}

42. On the consequences of an omission, Civic Voice pointed out that the word “amenity” does not appear in the draft Framework, a term which could be a useful “catch-all” for facilities or features of value to the community that are not otherwise referred to in the NPPF.\textsuperscript{72} The Theatres Trust similarly argued that “the presumption will be in favour of those uses that are covered within the NPPF.”\textsuperscript{73} Several submissions addressed the treatment of sport and leisure facilities in the draft NPPF.\textsuperscript{74} The Football Association’s principal concern was that the position of Sport England as a statutory consultee on planning applications which affect provision for sports be confirmed and referred to in the NPPF; Robert Sullivan, the FA’s Head of Public Affairs, told us that they would like Sport England’s role to be explicitly mentioned to, in order “to reassure people in the sporting communities that those protections can still be maintained.”\textsuperscript{75} As it stands, the FA argued that the reforms “place playing fields and facilities at great risk, in favour of broader development aspirations.”\textsuperscript{76} Sport England deprecated the loss of a requirement for replacement sports facilities to be provided if they are lost to development, even where a deficiency exists, provided the “the need for and benefits of the development clearly outweigh the loss.”\textsuperscript{77} Mr Sullivan argued that this change of policy was unnecessary, as the development industry was already accommodating of the need to factor in like-for-like replacement of facilities where need exists.\textsuperscript{78}

43. \textbf{The NPPF should refer to the role of statutory consultees as a safeguard for community amenities, such as playing fields. We recommend also that the revised Framework should reinstate the requirement for equivalent or improved replacement}}

\textsuperscript{71} Qq 229, 237
\textsuperscript{72} Ev 124, 125
\textsuperscript{73} Ev 125
\textsuperscript{74} Ev w136 [Sport England]; Ev w115 [The Sport and Recreation Alliance]; Ev w142 [Business in Sport and Leisure]; and Ev w175 [Fields in Trust]
\textsuperscript{75} Qq 197, 215, 218
\textsuperscript{76} Ev 121, 123
\textsuperscript{77} Ev w135, Draft NPPF, para 129
\textsuperscript{78} Q 221
sports facilities to be provided if they are lost to development, where a deficiency would otherwise result. We consider that the Government needs to examine whether there are unintended consequences arising from the wording used in the draft NPPF or the omission of an issue from the document. The Government should review the NPPF as a whole, to check that there are no other relevant, specific issues that are either omitted or adversely affected by the changes in the Framework.

Spatial planning

44. Some witnesses thought that a spatial element would contradict local decision making in the NPPF. Professor Paul Cheshire argued that “it is profoundly to misunderstand how the space economy works to think that land use planning should or can redress the problems of less prosperous regions.” The British Chambers of Commerce and the CBI were concerned that “injecting some sort of top-down spatial element” would undermine the Government’s localist intentions. Dr. Marshall, from the BCC, told us that “you could have a hierarchy of development principles across geographical areas and it is the centralist position that predominates. That would constrain local decision making much more than just about anything else.” However, he went on to say that “I have some sympathy with those who say that planning that goes above local authority level but below national level can get lost.”

45. Several organisations expressed regret in their written submissions that the Government had decided not to incorporate a spatial element into the draft NPPF. Some pointed out that The Plan for Growth had identified geographical imbalance as one of the major economic problems facing the country, with growth concentrated in the South East and other parts of the country increasingly reliant on public sector employment. From this perspective, the lack of a spatial dimension to the NPPF seemed “a missed opportunity”, and unlikely to support the commitment to share prosperity across the UK. RTPI commented that the Framework offers no guide to locating new infrastructure in relation to new areas of growth. Stephen Joseph of the Campaign for Better Transport argued that England would be exceptional in not seeking to integrate major new transport infrastructure with spatial planning, and that this would undermine, for example, the regeneration potential of High Speed 2.

79 Q 61
80 Q 37
81 As above
82 Q 40
83 See, for example, Ev w128; Ev w132.
84 The Plan for Growth, para 1.4
85 Ev w149; Q 247
86 Ev 152
87 Q 246
46. The Institution of Civil Engineers (ICE) stated that the document “seems largely ‘placeless’,”88 ICE noted in particular that the words ‘city’ and ‘cities’ did not appear in the draft NPPF. There are other special cases which are not acknowledged, such as the particular circumstances in National Parks, where specialised government policy applies.89 Dr Hugh Ellis of the Town and Country Planning Association (TCPA) told us that “this document is not written with any spatial awareness” and explained why he felt this approach was flawed:90

[There] are five or six powerful reasons why you need a spatial approach in England. Ironically, economics is one of them; infrastructure provision is another; climate change; food security; and energy security are others. [... All] I would like the NPPF to do is to have one paragraph that just understands that space is different in England. If you write a policy in the NPPF about six years’ supply of housing in one place, it has perverse outcomes in low demand areas. There must be some recognition that London is an extraordinary place in the life of our nation. There must be some understanding of the place of Liverpool or other cities in the North that require a clear future. You have to give investment certainty to those places. If the output is no investment certainty, you almost talk yourself out of the North of England if you are not careful. […] How will we deal with displaced demand without that kind of spatial approach? The nation needs it.91

47. There is evidence of concern that the draft NPPF is largely "placeless". While we recognise that it was never the intention of the Government to issue the draft NPPF as a 'spatial' plan, we consider that its impact and effectiveness would be improved if the possibility of differential impacts of its policies on different parts of the country were to be recognised in the Framework and that, where a local authority seeks to recognise local variations, the NPPF encourages local authorities to ensure that there is a robust evidence base in place to justify these variations, and thus, that it serves the Government’s stated intention to re-balance the national economy.

88 Ev w214
89 Ev w340
90 Q 53
91 Q 60
4 The definition of sustainable development

48. As we have already noted, the NPPF is a document that both guides the writing of Local Plans, and is intended to be used as a substitute Local Plan where none has been produced by a local authority. Assessing the suitability of the NPPF for this task involves looking both at its sufficiency—addressed in the previous chapter—and at the appropriateness of its content. In the following two chapters we examine two aspects of that content: the definition of sustainable development, and the overall balance of the document.

The NPPF definition

49. The draft NPPF defines sustainable development as:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It is central to the economic, environmental and social success of the country and is the core principle underpinning planning. Simply stated, the principle recognises the importance of ensuring that all people should be able to satisfy their basic needs and enjoy a better quality of life, both now and in the future.

50. The definition of sustainable development is at the heart of our discussions on the NPPF. The Framework states that the presumption in favour of sustainable development, “should be seen as a golden thread running through both plan making and decision taking.” If that is the intention, then the role of sustainable development (considered in Chapter 5) and the way in which the concept is defined become crucial to the document as a whole. We recognise that, if the final NPPF contains an agreed definition of sustainable development which is balanced and comprehensive, then the ‘presumption in favour of sustainable development’ becomes a very constructive part of the Government’s wider environmental, social and economic agendas, rather than solely some sort of stick to compel the completion of Local Plans or, as some of our evidence argues, simply a presumption in favour of development.

51. However, one of the first difficulties encountered is that, on the one hand, the NPPF contains the definition of sustainable development quoted above, but, on the other, the draft Framework also states that:

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92 Draft NPPF, para 26
93 Draft NPPF, para 9
94 Draft NPPF, para 14
95 Ev 111 [Cutting Edge Planning and Design]; Ev 108 [The National Trust]; Ev 128 [Civic Voice]; Ev 139 [The Campaign to Protect Rural England]
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.96

As Stuart Hylton, representing the Planning Officers Society, stated, “What that is saying is you have a definition that runs to 52 pages whose conclusions will inevitably point in all sorts of different directions.”97 Whilst we can appreciate the thinking behind an approach that encourages users of the NPPF to read it as a whole, we consider that this approach will lead to far more uncertainty and, possibly, legal challenge. The Campaign to Protect Rural England (CPRE) took legal advice on this, among other aspects of the NPPF, and its Chief Executive, Shaun Spiers, stated:

On the question on sustainability, what the NPPF says is that the sustainable development is the 52 pages. What our lawyer, John Hobson, says is that the problem with this is that the ‘key sustainable development principles are not easy to identify or extract from the text of the NPPF’.98

52. We agree that the Government’s statements relating to the need to look at the NPPF as a whole in order to ascertain its view of sustainable development are not helpful in this context. The Government should focus on arriving at an agreed, succinct and useful definition which is clearly identified as such within the NPPF.

53. The evidence we received which addressed the definition of sustainable development can be grouped into five categories: those who deemed it an almost impossible job to define sustainable development; those who felt that the definition in the draft NPPF was sufficient; those who wanted the addition of material from other recent Government documents; and those who felt that the NPPF should present a more positive approach to the environmental aspects of sustainable development. Overlaying these were those who considered that the definition in the NPPF needed to be framed in a way that encouraged local authorities to set out their own definitions in their Local Plans. We deal with each of these approaches in turn. We have also taken into account the conclusions reached by the Environmental Audit Committee which took evidence on this specific issue.

Is the ‘Brundtland’ definition in the draft NPPF adequate?

54. The evidence to this inquiry has, amongst other things, demonstrated the difficulty of setting down any agreed definition of sustainable development. John Rhodes of Quod told us that:

Everybody has a different view of sustainability. It is possible I could give you any case study for a development proposal and we could all disagree about whether or not it was sustainable. Trying to identify what sustainability really means is almost the holy grail.99
The difficulty of clarifying the concept in a way that could shed light on practical circumstances was reinforced to us by statements such as "sustainable development is development that is sustainable, we would argue."\(^{100}\)

We do not want to underestimate the difficulties of drafting a definition, but we are of the opinion that a clear definition is a vital component of the NPPF. The definition in the draft NPPF clearly draws on the definition put forward in the 1987 report from the UN World Commission on Environment and Development, the 'Brundtland Report'.\(^{101}\) This is development that "meets the needs of the present without compromising the ability of future generations to meet their own needs".\(^{102}\) Professor Paul Cheshire queried, "Who could be against the Brundtland formulation of sustainable development? My worry is: how do you translate that into actual decision making about parcels of land?"\(^{103}\) The combination of the clarity of the Brundtland definition and the difficulty of adding to it was brought out clearly by Stephen Wright of the John Lewis Partnership:

> I think the NPPF does set out a Brundtland definition; it makes it clear it is about social, economic and environmental considerations. It is very difficult then to come up with a more technical and detailed definition that applies cross-sector and that will pass the test of time.\(^{104}\)

55. The 'Brundtland' definition of sustainable development has the advantages of being succinct, of encompassing a number of concepts within one sentence and of being recognisable not only to those most directly involved in seeking to achieve sustainable development but, to an extent, to the wider public. We consider that any definition in the NPPF needs to build on the 'Brundtland' definition rather than starting from scratch.

**Should the definition go further?**

56. The Environmental Audit Committee, however, found that several groups argued that thinking on sustainable development has moved on somewhat from 1987.\(^{105}\) A number of witnesses to our inquiry have referred, for example, to the benefits of drawing on the principles in the 2005 Sustainable Development Strategy.\(^{106}\) The Government set out five guiding principles of sustainable development in that Strategy:

- Living Within Environmental Limits;
- Ensuring a Strong, Healthy and Just Society;
- Achieving a Sustainable Economy;

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100 Q 48 [Alex Morton]
102 Draft NPPF, para 9
103 Q 48
104 Q 197
105 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, para 29
106 Defra, Securing the Future: The UK Sustainable Development Strategy, Cm 6467
• Promoting Good Governance; and
• Using Sound Science Responsibly.

Dr Hugh Ellis of the TCPA said that:

Brundtland is an interesting starting point, but it is now more than 30 years out of date. It is very surprising to see it represented in the NPPF. The 2005 definition is not a partisan one; it represents 25 years’ experience of what sustainable development is. I think the five ideas around sustainable development remain critical, but there is one very important principle that the NPPF deliberately ignores: the concept of environmental limits.  

57. Tony Burton of Civic Voice pointed out that “there was a lot of consensus about the 2005 Strategy and the key principles around social justice and environmental limits”, which he considered needed to be embodied in the Framework. Sustainable development was defined in Planning Policy Statement 1 in terms similar to that of the 2005 Strategy, and the same principles also underpinned the February 2011 Defra document, Mainstreaming Sustainable Development. During a debate on the Localism Bill in the House in November 2011, the Minister, Greg Clark, said: “I could not have been clearer when I said that we have no difficulty with the 2005 strategy or its wording.” We agree, and consider that the five guiding principles from the 2005 Sustainable Development Strategy are useful in identifying key aspirations against which development proposals should be judged. We have heard from a number of witnesses that the concept of ‘living within environmental limits’ is a particularly useful in this respect.

58. We welcome the constructive approach that the Minister has taken in respect of the definition of sustainable development and, in particular, the fact that he has encouraged us and all those concerned about this issue to go beyond existing definitions. Indeed, the Minister told the Environmental Audit Committee (EAC) that:

I think some of the recent thinking in the Natural Environment White Paper […] goes beyond some of the thinking in 2005 to talk not just about a sort of defensive not breaching limits, but being more ambitious than that, saying we should have net gain, that development and other activities should result in net gain to the environment. We have many habitats in our country that have been despoiled over the years. My view is that we should take the opportunity to restore them. I would not want to set down a definition that was less ambitious than, for example, would have been in the Natural Environment White Paper.

107 Q 48
108 Q 192; see also Q 229 [Emmalene Gottwald].
109 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, paras 31–32
110 HC Deb, 7 November 2011, col 123
111 See for example, Ev 92; Ev w286.
112 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, Q 52
59. The Government’s 2011 Natural Environment White Paper states that:

Through reforms of the planning system, we will take a strategic approach to planning for nature within and across local areas. This approach will guide development to the best locations, encourage greener design and enable development to enhance natural networks. We will retain the protection and improvement of the natural environment as core objectives of the planning system. [...] we will improve the quality and increase the value of the natural environment across England.\textsuperscript{113}

60. We see great value in an approach to sustainable development that seeks to enhance the value of the natural environment through the development process instead of just protecting it, as valuable as that latter activity is. We share the views of the EAC that:

the NPPF should embrace a wider definition of sustainable development than just the Brundtland definition. It should include or refer explicitly to the 2005 Sustainable Development Strategy [...] But it should go further still, and reflect the primacy of environmental limits, couched more firmly in terms of seeking environmental improvement. By doing so, it would encourage local authorities to include in their Local Plans a requirement for some types of development to include environmental gain.\textsuperscript{114}

The adaptation of a sustainable development definition by local authorities

61. We considered whether there was a tension between a strong national definition of sustainable development in the NPPF and the need for local authorities to set their own definition according to local circumstances and priorities. Dr Adam Marshall of the British Chambers of Commerce provided an example of contrasting local circumstances:

I like the fact that local communities will be able to determine for themselves to a certain extent what constitutes ‘sustainable’. I have spent a lot of time in chambers of commerce around the country. When you go to many authorities in the North of England, for example, which have long taken a very positive approach to planning, for them sustainability at the end of the day is about jobs and economic activity. Many years ago one council leader said to me that the best thing in the world that could happen to him was that a B&Q shed should open on a piece of contaminated brownfield land, because it creates jobs and economic activity in the area. Southern local authority representatives have said to me, ‘The worst thing that could happen to me is the opening of a B&Q shed in this area, because it will create enormous amounts of traffic, pressure on local infrastructure, etc.’\textsuperscript{115}

This was echoed by John Slaughter of the Home Builders Federation who agreed that:

\textsuperscript{113} Defra, The Natural Choice: securing the value of nature, Cm 8082, June 2011, pp 3, 6
\textsuperscript{114} Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, para 35
\textsuperscript{115} Q 23
You have to allow for the fact that circumstances do vary from area to area. In terms of balancing sustainability, a point we made in our written evidence is that, in some areas, you would probably in practice give more weight to environmental factors.\(^{116}\)

62. We agree that it is both good practice and in the nature of localism that local authorities should be encouraged to apply the definition of sustainable development in a way that meets their local circumstances. The EAC expressed the clear view that a definition of sustainable development in the NPPF that captured the fundamental principles in the 2005 Sustainable Development Strategy would enable “local authorities to interpret sustainable development for the circumstances of their particular areas.”\(^{117}\)

**Environmental, social and economic aspects**

63. There are other issues considered elsewhere in this report that impact directly on the formulation of a definition.\(^{118}\) These are the need for balance between the ‘elements’ of sustainable development, and the question of whether the definition should make explicit reference not only to environmental, social and economic aspects, but also to cultural aspects. When giving evidence to the EAC, the Minister stated that “the economy has always been a part of the definition of sustainability and we do need homes and jobs”, but gave the reassurance that any appearance in the NPPF of giving greater weight to the economic pillar was “not intentional”.\(^{119}\) This stance reflects that taken by the Prime Minister in a letter to the National Trust in which he stated that:

> I believe that sustainable development has environmental and social dimensions as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole, and of our proposals for it, is to achieve such a balance.\(^{120}\)

The Environmental Audit Committee recommended that the Government ensure in the revised NPPF that there is “no potential for confusion about the equal importance of all three aspects of sustainable development.”\(^{121}\)

64. As seen in Chapter 3 of this report, we received strong evidence that the NPPF did not pay sufficient attention to the cultural aspects of planning policy and decisions. Witnesses spoke of culture in terms of sport and of the arts\(^{122}\) but we recognise that the concept of culture can be extended to include all aspects of community life. In the light of these representations we see a compelling case for the definition of sustainable development to

\(^{116}\) Q 102
\(^{117}\) Environment Audit Committee, *Sustainable Development in the National Planning Policy Framework*, HC 1480, paras 31–32, 39
\(^{118}\) See chapters 3, 5, 6.
\(^{119}\) Environment Audit Committee, *Sustainable Development in the National Planning Policy Framework*, HC 1480, Q 56
\(^{120}\) [www.nationaltrust.org.uk](http://www.nationaltrust.org.uk)
\(^{121}\) Environment Audit Committee, *Sustainable Development in the National Planning Policy Framework*, HC 1480, para 10
\(^{122}\) See, for example, Qq 197 and 181.
include a cultural dimension as part of the social pillar of the definition of sustainable development.

Conclusions on the definition of sustainable development

65. We welcome the Government’s willingness to look again at the definition of sustainable development contained in the NPPF. In the course of a debate on the Localism Bill, the Minister for Decentralisation told the House that:

A cogent case has been made—let me put it that way—for expanding and strengthening the definition in the NPPF. I hope that that demonstrates, on the basis of this House’s experience of the scrutiny of the Bill and the commitments the Government have made, that there is no difference in our commitment to the matter. Indeed, I have expressed a personal view that I think we could go a little further than the 2005 strategy. We will reflect on these contributions in the consultation on the NPPF and respond in due course.¹²³

66. Any new definition of sustainable development must contain the following elements:

a) the clear and identifiable use of wording from the Brundtland report as this is well known and understood;

b) the restating of the five guiding principles from the 2005 sustainable development strategy; and

c) an explicit statement of the need to address and to seek to achieve all of the aspects of sustainable development, and not to start by assuming that one aspect can be traded off against another.

67. The definition below is put forward as an example of how these elements may be incorporated into a definition.

Sustainable development is development that meets the needs of the present without compromising the ability of existing communities and future generations to meet their own needs. It is central to the economic, environmental and social success of the country both that these three aspects of development are addressed positively and equally and that planning both serves to protect and to enhance and add value to the environment. This is the core principle underpinning planning.

Policies in plans and decisions on development should be assessed against the principles that the nation and areas within it should live within their environmental limits; should achieve a sustainable economy and should seek to ensure a strong, healthy and just society.

¹²³ HC Deb, 7 November 2011, col 123
The achievement of sustainable development through planning should be based on the responsible use of a sound evidence base and developed through an open and democratic system.

68. We consider that the definition of sustainable development must give a clear indication of what constitutes sustainable development, while encouraging local authorities to apply this definition to their own local circumstances and allowing them the scope to do so.
5 The balance of the draft NPPF

The presumption in favour of sustainable development

69. The introduction of the presumption in favour of sustainable development is a core principle of the NPPF and has attracted widely differing views. The first chapter of the NPPF sets out the Government’s determination that “the planning system does everything it can to support sustainable economic growth”\(^\text{124}\) and that “planning must operate to encourage growth and not act as impediment.”\(^\text{125}\) As we have noted it describes the presumption as “a golden thread running through both plan making and decision taking”\(^\text{126}\) and it is mentioned again in twelve other sections of the NPPF.\(^\text{127}\)

70. Adrian Penfold told us that the presumption was not as radical a change as some believed it to be, but was rather a clarification of current practice.\(^\text{128}\) During the NPPF debate in the House in October 2011 Andrew Stunell MP, Parliamentary Under Secretary of State, said that it strengthened existing policy, which he quoted from a 1949 planning circular:

> In cases where no serious issue is involved, and where the authority can produce no sufficient reason for refusal, the presumption should be in favour of granting the application.

Mr Stunell continued:

> Things have moved on since then, and we have a plan-led system, but the presumption in favour of sustainable development that we propose will strengthen that plan-led system, not undermine it.\(^\text{129}\)

71. DCLG’s *NPPF Myth-Buster* includes as one of its ‘myths’, that “the presumption in favour of sustainable development will mean that every application has to be accepted” and responds:

> The presumption is not a green light for development. All proposals will need to demonstrate their sustainability and be in line with the strict protections in the draft Framework. Strong environmental safeguards remain as part of the planning system, including protecting communities and the environment from unacceptable proposals. The presumption is principally about good plan making. Once a Local Plan is put in place, local decisions should be made in line with it.\(^\text{130}\)

\(^{124}\) Draft NPPF, para 13  
\(^{125}\) As above  
\(^{126}\) Draft NPPF, para 14  
\(^{128}\) Ev 157  
\(^{129}\) HC Deb, 20 October 2011, col 1168  
\(^{130}\) DCLG, *National Planning Policy Framework: Myth-Buster*, 8 September 2011
72. Some supporters of the presumption believed that the NPPF did indeed highlight a shift in policy, by making planning more receptive to development. Dr Adam Marshall, from the British Chambers of Commerce (BCC), welcomed the change in emphasis:

I think businesses want the system to get back to a positive role. They feel that the original purpose of the 1947 Act is no longer at the heart of things. They feel the system as it stands now is not about planning positively for where things go and where development should be allowed, but rather it has become a tool to object, or for the culture of no, as I like to call it, to rear its ugly head.131

However, other witnesses told us that the presumption fundamentally unbalanced the NPPF, skewing it towards the achievement of economic growth, to the detriment of the social and environmental factors.132 Sir Simon Jenkins, Chair of the National Trust, thought that “anybody reading this document cannot come to the conclusion it is a balanced document. It is clearly directed on one very firm motivation”.133

73. The draft NPPF initially presents the three components of sustainable development—economic, social and environmental—as complementary and equal,134 but later in the document, the focus seems to shift overwhelmingly to economic factors in planning decisions:

Planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of this area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in this Framework.135

74. The NPPF Impact Assessment reinforces this apparent shift in favour of economic factors, with its foreword stating that the presumption is a new requirement:

At the heart of national policy will be the new presumption in favour of sustainable development, which sends a strong signal to all involved in the planning process to plan positively for appropriate new development, so that plan-making and development management are proactive in support of economic growth rather than acting as barriers.136

RTPI commented that the terms ‘sustainable development’ and ‘sustainable economic growth’ are unfortunately conflated throughout the document, not least in the foreword where it is stated that “development means growth”. The Chartered Institution of Water and Environmental Management (CIWEM) argued that, contrary to the Minister’s

131 Q 5
132 Qq 248, 249, 229, 251
133 Q 85
134 Draft NPPF, para 11
135 Draft NPPF, para 19
136 NPPF Impact Assessment, foreword
definition, “development does not necessarily mean growth” and that “there is more to development than simply growth” and went on to add:

It is a concern that the Government appears to make a distinction between ‘sustainable economy’ and ‘sustainable economic growth’. There is a clear tension between economic growth and sustainable development in this document and it does not provide adequate guidance on either. The aspiration towards ‘growth’ means that creative and innovative thinking is marginalised and a model of expansion is resorted to; this is instead of looking at renewal and more innovative and smarter ways of development business to secure a firm economy.

75. We agree with the Environmental Audit Committee that local planning authorities “need an NPPF which does not push them to regard [the] economic dimension as predominant”, and we consider that the NPPF, as currently drafted, does run this risk. We consider that it is reasonable and practical for the NPPF to have as an overarching principle a presumption in favour of sustainable development. However, the draft NPPF conflates the term ‘sustainable development’ and ‘sustainable economic growth’, thereby making the document unbalanced; the two terms are distinct and should be kept separate in the Framework.

**Default ‘yes’ to development proposals**

76. Core planning principles set out in the draft NPPF include the following:

- Decision-takers at every level should assume that the default answer to development proposals is ‘yes’, except where this would compromise the key sustainable development principles set out in this Framework.

John Rhodes, of planning consultancy Quod, supported this point:

[Planning] exists not as an industry in itself but to deliver the homes, communities, places and environment we want to see. One of the things it says is, ‘when you are preparing your plans, presume that you will meet your needs. If you are considering an application and you cannot decide whether it is good or bad, it is probably a development that ought to be allowed, particularly in this economic climate.

CIWEM outlined the potential contradiction between the NPPF both supporting a plan-led approach, by supporting Local Plans, and supporting the default ‘yes’ position. While it welcomed the first principle that planning should be plan-led—with succinct, up-to-date Local Plans providing the framework within which decisions on planning applications are made—it criticised the second principle:

Sadly, one of the worse statements in this Framework is the second principle where it says ‘decision takers at every level should assume that the default answer to
development proposals is yes...’ This is a very dangerous assumption and this principle is open to all sorts of misinterpretations and potential abuse.\textsuperscript{141}

RTPI also highlighted the concerns of the ‘default yes’ policy:

The popular concern that the presumption in favour of sustainable development is all about pushing unwanted schemes through the system is not helped by the Government’s stated expectation of ‘a system where the default answer to development is “yes”.’ However, as the Government has stated publicly that while good, sustainable development should be approved and harmful, unsustainable development should not, this sentiment should be clearly reflected in the NPPF, and with reference to local policy as well as to the national policies of the Framework.\textsuperscript{142}

77. The sentence “decision-takers at every level should assume that the default answer to development proposals is ‘yes’, except where this would compromise the key sustainable development principles set out in this Framework” should be removed from the NPPF. It is weighted too far towards a single interest that the planning system must address, and is inconsistent with both the plan-led system and the more measured presumption in favour of sustainable development.

‘Presumption in favour of the Local Plan’

78. As already noted, the importance of the Local Plan to the planning process was central to many of the submissions we received. An adopted Local Plan offers the largest practical amount of certainty to shape decisions on planning applications, and thereby minimises the need for planning appeals. RTPI wrote that "if Local Plan policies cannot be used to justify a negative response [to a development proposal], there is little point in having them".\textsuperscript{143} Tony Burton of Civic Voice told us:

Sustainable development is a very legitimate purpose of the planning system. We do not think you need a presumption in favour of it; we think it is a purpose of the planning system, which you deliver differently according to local circumstances, by having a presumption in favour of the development plan.\textsuperscript{144}

He thought that the presumption in favour of sustainable development effectively brought in a \textit{double} presumption in favour of development:

I don’t see why there is a double presumption in favour of development—you have a presumption in favour of sustainable development that is locked in through a presumption in favour of the development plan. We should just stick with a presumption in favour of the development plan, which is the current situation.\textsuperscript{145}
Shaun Spiers agreed, saying that CPRE “would prefer a presumption in favour of the plan”.\footnote{146}

79. The presumption in favour of sustainable development is compatible with the presumption in favour of the Local Plan, provided that the presumption in favour of sustainable development is recognised as a principle and a direction of travel, rather than as the overriding consideration or a detailed yardstick for making day to day planning decisions. The Minister, Greg Clark, reassured us that “the principal default is in favour of the Local Plan”.\footnote{147}

80. It is sensible that planning should support a presumption in favour of sustainable development as a strategic purpose, but that presumption is not precise enough to be used as a tool for decision making. Where there is an adopted Local Plan in place, the Local Plan should be the starting point for planning decisions. Local Plans should be based on robust evidence, transparent, capable of providing the development needed in an area, reflective of local circumstances, and offering as much certainty as planning reasonably can. The presumption in favour of sustainable development should be redefined as ‘a presumption in favour of sustainable development consistent with the Local Plan.’ In our view, this will not only firmly anchor sustainable development to local circumstances, but will also provide a spur to local authorities to prepare their Local Plans. We consider Local Plans in more detail in the next chapter.

‘Significantly and demonstrably’

81. The phrase "significantly and demonstrably” appears four times in the draft NPPF. Within the section on the presumption in favour of sustainable development, and elsewhere in the document—in the sections on Local Plans, increasing the supply of housing, and protecting the natural environment—it is stressed that Local Plans should be prepared on the basis that objectively assessed development needs should be met,

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.\footnote{148}

Within the section on the presumption in favour of sustainable development, the Framework states that this approach should be applied when deciding applications, not only those in accordance with adopted Local Plans, but where a plan is absent, silent, indeterminate, or out of date.\footnote{149} We considered what effect the test would have and whether it was needed.

82. John Slaughter, Director of External Affairs at the Home Builders Federation, said that the phrase had a long tradition in planning law, dating from the Town and Country
Planning Act 1971. Ian Fletcher, Director of Real Estate at the British Property Federation, thought that the phrase constituted a protection against inappropriate development:

[The NPPF] is not supporting all development, if you can prove there is harm being created in allowing development through the protections significantly and demonstrably. There already is something in there that basically says harm trumps all.

He went on to describe ‘significant’ as being “not insignificant in terms of putting up an objection.” The National Trust was critical of the phrase, saying that it was not properly defined and that

to refer to a definition of ‘significance’ being ‘not insignificant’—we are [in] tautological realms here—may not prove that helpful in terms of giving a clear steer. Certainly it would be left to lawyers to resolve in many cases. [...] It shifts the burden of proof quite clearly on to planning officers and away from developers. You are being forced to prove that there is harm, as opposed to the other way around. At a time when local authority planning officers and planning services are reducing in size, that feasibly is a further shift towards the presumption in favour of development per se.

83. Stephen Joseph, from Campaign for Better Transport, considered that the detriment test of ‘significantly and demonstrably’ would carry undue weight because

you can put in nice words about green belt or heritage, but such wording [‘significantly and demonstrably’... ], will set a very high bar against which any other consideration in short-term economic development can be judged.

CPRE was concerned that the term ‘significantly and demonstrably’ would set a very high bar, because of the double presumption influencing both Local Plans and decisions:

if the Local Plan has to be in conformity with the NPPF—we think the NPPF is weighted in favour of development—a local authority must show that the adverse impacts of development significantly and demonstrably outweigh the beneficial impacts, and so on—then the scope for the local authority to take the decisions that we, or they, might want to take is very severely constrained.

84. John Rhodes—a member of the Practitioners’ Advisory Group (PAG)—said that the phrase ‘significantly and demonstrably’ was not the practitioners’ first preference. The original PAG’s wording of the relevant section reads:

150 Q 98
151 Q 92
152 Q 98
153 Q 99
154 Q 256
155 Q 238
This presumption should apply unless to do so would cause significant harm to the objectives, principles and policies set out in this National Planning Policy Framework.  

85. When asked about the phrase ‘significantly and demonstrably’, Greg Clark said that he was not defending the existing draft, and would “appreciate the Committee’s considered view on this.” He explained why the phrase had been chosen:

There are two separate words. In terms of ‘significantly’, it seems to me that if you want to avoid a very legalistic comparison, ‘Is the balance on a particular issue one gram one way, or one the other?’ The idea that things should be significant enough to be noticed is reasonable. ‘Demonstrably’ basically implied that you should not just assert something; you should be able to demonstrate it and you should have evidence for it. Some people have said that those words are pretty well understood, certainly in legal circles, but possibly not in lay circles. There have been some suggestions for other forms of words. The policy intent behind it is to suggest that people provide evidence—we are not getting into counting angels on pinheads.

We are pleased that the Minister is open to suggestions on the term ‘significantly and demonstrably’. In our view, the effect of the current draft would be that arguments against development would carry remarkably little weight in plan preparation. Local authorities would have to demonstrate the substantial harm that a development would cause before it could be resisted. To avoid semantic and legal ambiguity, the drafting of this specific part of the Framework needs to be precise and clear. The original PAG’s wording offers a more balanced approach to planning.

86. The phrase ‘significantly and demonstrably’ should be removed throughout the document; we prefer the simpler test of significance. Indeed, the alternative wording from the Practitioners Advisory Group’s version—“this presumption should apply unless to do so would cause significant harm to the objective, principles and policies set out in this National Planning Policy Framework”—encapsulates, in our minds, a clearer, more balanced approach to the presumption in favour of sustainable development. Such new wording should also place the burden of proof of the presumption not causing significant harm onto the developer or applicant, not on the planning authority.

Viability

87. Passages of the draft NPPF referring to the ‘viability’ of development raised controversy, specifically:

To enable a plan to be deliverable, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any

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156 Practitioners Advisory Group’s draft NPPF, May 2011, p 6
157 Q 237
158 As above
requirements likely to be applied to development, such as requirements for affordable housing, local standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and on-site mitigation, provide acceptable returns to a willing land owner and willing developer to enable the development to be deliverable.  

A further point is made later in the Framework:

Local planning authorities should avoid unnecessary conditions or obligations, particularly when this would undermine the viability of development proposals.

88. The County Councils Network (CCN) maintained that the draft NPPF appears solely to address the question of whether development is viable for the developer. CCN would prefer a symmetrical definition of viability, where viability is also called into question if a development would impose disproportionate capital or revenue costs on the public purse.

Oxford City Council stated that “it should not be acceptable to approve schemes which are not sustainable on the grounds that, to make them sustainable would, at the same time, render them unviable.” The Local Government Association argued that “the final NPPF needs to make clear that sustainability must always trump the need to reduce costs to ensure viability, not the other way round.”

89. We considered whether there was a danger that local authorities might have to approve environmentally or socially harmful applications because they could not impose improvements that would render them commercially unviable. Mike Holmes, President of the Planning Officers Society, pointed out that:

The worst-case scenario for the local community is that they get the development but there is not enough value coming forward from the development to mitigate it in terms of roads and all the other facilities that are required.

The Campaign to Protect Rural England (CPRE) expressed concern that the language in the draft Framework on viability would lead to developers arguing that they should not be required to deliver as much affordable housing in the future, because it is not viable for them to do so. Shelter stated that “this effective exemption for developers” would put local authorities in a weak negotiating position when trying to secure affordable housing.

159 Draft NPPF, para 39
160 Draft NPPF, para 70
161 Ev w158
162 Ev w107
163 Ev 116
164 Q 145
165 Ev 143
166 Ev 149
90. When asked whether local authorities will have to approve environmentally or socially-harmful applications because they could not impose improvements that would make them commercially unviable, the Minister responded:

That is certainly not the intention. They specifically, in my view, should not approve developments that would be significantly environmentally damaging.¹⁶⁷

Once again, we noted that the Minister was put in the position of having to provide reassurance over important issues because of the ambiguity of the draft NPPF. We are grateful for this reassurance and clarification, and we share his view. We consider that the viability provisions as expressed in the draft NPPF could be used by developers to attempt to drive down their costs, creating an unnecessary war of attrition between developers and authorities.

91. From the definition of ‘viability’ in the draft NPPF, many have concluded, which we fully understand, that the NPPF would allow unsustainable development to go ahead if measures to make it sustainable were also deemed to make it unviable for the developer. We welcomed the Minister’s clarification and we recommend that the NPPF make it clear that calculations of viability presuppose requirements to provide infrastructure and other measures necessary to the development, not simply returns deemed acceptable by the developer.

**Illustrating the problem of balance: transport in the NPPF**

92. Among the core planning principles in the draft Framework is the principle that “planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which can be made sustainable.”¹⁶⁸ Transport policies could exert a particular influence on the prospects for more development, because anticipation of pressure on local transport infrastructure is one of the commonest causes of local opposition to development.¹⁶⁹

93. However, the Campaign for Better Transport (CBT) argued that “in transport terms, the draft NPPF moves firmly away from sustainable development. It will allow more sprawl and congestion.”¹⁷⁰ Particular policies—or rather the removal of policies—which CBT and others argued would contribute to sprawl are the exclusion of offices from the ‘town centre first’ policy, the removal of the national indicative minimum housing density policy, the abolition of national car parking standards (which set maximum spaces per dwelling), and the introduction of local discretion in the application of travel plans and assessments.¹⁷¹

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¹⁶⁷ Q 328  
¹⁶⁸ Draft NPPF, para 19  
¹⁶⁹ Q 247  
¹⁷⁰ Ev 144  
¹⁷¹ Q 228; Ev 145
94. The text of the Framework’s transport section has given rise to some concern in its phrasing. The section states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion, but only “where practical”; the planning system should support a pattern of development which facilitates the use of sustainable modes of transport, but only “where reasonable to do so”.172 The draft NPPF states that

development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account.173

Sustainable transport campaigning groups argued that this is too demanding a test for rejection of applications on transport grounds.174 CPRE stated that the way this test is presented

would, for example, make it near impossible to use land use planning as a tool to reduce carbon emissions from transport. The emissions from individual unsustainable planning applications would always be a tiny proportion of national emissions and so could not be held to be “severe”.175

95. We consider that the transport section of the NPPF is a good illustration of lack of balance in the document as currently drafted; by the use of such phrases as ‘where reasonable’, and ‘where practical’, it gives the impression that the ‘sustainable’ part of ‘sustainable development’ can be jettisoned almost at will. Local authorities should be able to expect that they can reject or enforce changes to development on transport or environmental grounds, not just where the impact would be ‘severe’, but where it would run counter to local priorities and wishes, or where an individual development might contribute to a ‘severe’ cumulative impact caused by several developments. This example serves to illustrate the difficulties local authorities may have in making a determination on particular applications.

172 Draft NPPF, para 86
173 Ev 146, Draft NPPF, para 86
174 Ev 146 [The Campaign for Better Transport]; Ev w40 [Sustrans]; Ev w214 [Institution of Civil Engineers]
175 Ev 142
6 Local Plans

Statutory status of Local Plans

96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides the statutory basis for Local Plans:

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. 176

97. The explanation of the presumption in favour of sustainable development in the draft NPPF includes the first reference to Local Plans, and illustrates the way in which the NPPF guidance will impact on the operation of the statute:

Local planning authorities should:

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. 177

Local Plans are crucial to the planning process, which the reference above highlights. Under the section ‘Core Planning Principles’, the draft NPPF advises that:

Planning should be genuinely plan-led, with succinct Local Plans setting out a positive long-term vision for an area. These plans should be kept up to date and should provide a practical framework within which decisions on planning applications can be made with a high degree of certainty and efficiency. 178

98. Some witnesses applauded the positive approach to Local Plans in the NPPF. Paul Cheshire welcomed the NPPF’s desire to “push people and Local Plan making into a position where they will have to look more favourably at development and allow enough land to come forward for development, and enough space and flexibility within the system.” 179 Stephen Wright, of the John Lewis Partnership, agreed:

hopefully this more positive attitude towards planning will encourage local authorities to have a plan and to plan for the right development in the right places. It is entirely localist, to my mind. 180

99. John Rhodes, a member of the Practitioners Advisory Group, argued that the statutory status of Local Plans had been lost in the debate surrounding the NPPF:

176 Planning and Compulsory Purchase Act 2004, section 38(6)
177 Draft NPPF, para 14
178 Draft NPPF, para 19
179 Q 58
180 Q 190
One of the things that I think the public debate has missed recently is the importance of the Local Plan in this process. If there was one change between the advisory group draft and the Government’s draft that I do regret it is that I don’t think the latter is as clear as it might be on the role of the Local Plan. [...] Section 38(6) of the 2004 Act tells you that it you are contrary to the plan you should normally be refused planning permission. This does not change that at all.181

The NPPF does not give enough prominence to local plans. For example, the Framework states that the ‘default yes’ should apply “except where this would compromise the key sustainable development principles set out in this Framework.”182 We believe that the ‘default yes’ should be deleted and that the Framework should reiterate the legal provision in section 38(6) of the 2004 Act, which provides sufficient clarity.

100. In a debate on the NPPF in the House in October 2011, the Minister, Greg Clark, addressed the supremacy of Local Plans:

The first objective is to make the Local Plan central to what happens and to transfer power to local communities. That has to be crucial.183

In September 2011, he also gave an assurance that “the primacy of the Local Plan remains.”184 When we questioned Mr Clark about the default ‘yes’ to development section of the NPPF, he expanded his reassurances about Local Plans:

As far as the default yes goes, the principal default is in favour of the Local Plan and it is very important that we took a decision there. When the Localism Bill was going through, there was the opportunity to change the basis of planning law, Section 38(6) of the 2004 Act, and we didn’t do it. It follows from everything I have said so far that the most important basis for a decision is the Local Plan. I want to see more planning. We have too little planning and too much development control.185

This point reinforces our recommendation that the presumption in favour of sustainable development should be replaced by a presumption in favour of sustainable development that is consistent with the Local Plan.

101. In the previous chapter we concluded that the presumption in favour of sustainable development should be redefined as ‘a presumption in favour of sustainable development consistent with the Local Plan’. We recommend that the NPPF unambiguously reflect the statutory supremacy of Local Plans, in accordance with the 2004 Planning Act. The prominence given to the presumption in favour of sustainable development risks presenting it as a decision-making mechanism on a par with, or superior to, the Local Plan. In view of the fact that the Local Plan is a keystone of the planning edifice, it is

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181 Q 19
182 Draft NPPF, para 19
183 HC Deb, 20 October 2011, col 1080
184 HC Deb, 5 September 2011, col 12
185 Q 308
The National Planning Policy Framework  

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The National Planning Policy Framework  

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crucial that local authorities have Local Plans in place as soon as possible. We will discuss further the importance of local authorities having Local Plans in place in Chapter 7.  

Absent, silent, out-of-date or indeterminate Local Plans

102. The NPPF advises that when the Local Plan is absent, silent, out-of-date or indeterminate, the NPPF itself becomes the default plan. Some witnesses welcomed this approach, for example, John Rhodes who said:  

the NPPF is perfectly capable of operating as their Local Plan until they have their Local Plan in place, because it says, yes, they should try to meet developments requirements, and yes, there is a presumption in favour of development, but only if its adverse effects do not outweigh its benefits.  

186 Qq 90, 11  
187 Q 19  
188 Ev w45  
189 Ev w27  
190 Q 164

103. As well as the problem of absent Local Plans, there is the opposite but equally worrying concern that Local Plans will become bloated, with local authorities wanting to incorporate into their individual plans large amounts of the planning policy and guidance that has been rejected in the draft NPPF. Hampshire County Council predicted that Local Plans, far from being succinct as the NPPF advises, would be “detailed and comprehensive”, which in turn “has implications for both the time and cost of their preparation and how accessible (or otherwise) they are to the layman.” Community and Regional Planning Services wrote that local planning officers may want to incorporate some of the lost detail from Planning Policy Statements into their Local Plans, where this does not conflict with the NPPF. However, some believe that large Local Plans are not a concern, but rather allow local authorities to pick and choose which policies they need for their specific, local area. Cllr Gary Porter, representing the LGA, commented: “Surely it is better to have a large Local Plan than it is to have a large national plan?” Local Plans might also expand to accommodate policy from the Regional Spatial Strategies, which are now abolished. There is a substantive case for authorities to do that now, as they have previously been advised not to cover policy issues incorporated within those regional plans.

104. There is a tension between the advice in the NPPF that Local Plans should be succinct, and the need for local authorities, in the absence of national guidance, to produce comprehensive plans tailored to local circumstances. We share the Government’s desire for succinct Local Plans, but accept that somewhat longer Local Plans are inevitable because they will fill significant gaps left by the loss of regional plans and by the substantial reduction in detail of national policy.
Tensions between the NPPF, Local Plans and Neighbourhood Plans

105. The NPPF describes Neighbourhood Plans, and the way in which they relate to Local Plans, as follows:

Neighbourhood plans give communities direct power to plan the areas in which they live. Parish and neighbourhood forums can use neighbourhood plans to:

- Develop a shared vision for their neighbourhood;
- Set planning policies for the development and use of land; and
- Give planning permission through Neighbourhood Development Orders and Community Right to Build Orders.

This provides a powerful set of tools for local people to ensure that they get the right types of development for their community. However, the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans, therefore, must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area. Neighbourhood plans should reflect these policies and the neighbourhoods should plan positively to support them. Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan.191

106. Much of our evidence, both for and against the NPPF, highlighted the contradictions that exist in the NPPF and its relationship to Local Plans and Neighbourhood Plans. Professor Paul Cheshire summarised this point:

There is no way of getting away from the fact that real conflict exists. You cannot always do what the neighbourhood wants; you even cannot do what the locality wants. There must be a wider community, social and environmental interest.192

The Planning Officers Society wrote:

The Government’s mixed message, about localism versus centrally-driven policy objectives, is perpetuated in this document, with little or no acknowledgement of the importance of localism as an element of national planning policy.193

107. Cllr Porter told us that once Local Plans were written, taking into account the NPPF, “Neighbourhood Plans should be able to fit into a Local Plan so communities will be able to determine for themselves where development that is needed goes. What they will not be able to determine is the fact that they do not need any”.194 However, the drafting of the NPPF is confusing and seemingly contradictory on the status of Local Plans versus

191 Draft NPPF, para 50
192 Q 62
193 Ev 113
194 Q 137
Neighbourhood Plans. Paragraph 50 states that Neighbourhood Plans must be in general conformity with the Local Plan’s strategic policies (although it also states that Neighbourhood Plans can promote more development than is set out in the Local Plan’s strategic policies).\textsuperscript{195} However, paragraph 51 states that:

Outside these strategic elements, Neighbourhood Plans will be able to shape and direct development in their area, subject to the presumption in favour of sustainable development. When a Neighbourhood Plan is made, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.\textsuperscript{196}

As retirement housing provider McCarthy & Stone highlighted, it is unclear from the draft NPPF when Local Plans take precedence and when Neighbourhood Plan take precedence, and “further clarity is needed, particularly on what is deemed a ‘strategic’ decision”.\textsuperscript{197}

108. This ambiguity in the NPPF will, however, make it harder to encourage local people to engage in planning matters, a point made by Tony Burton of Civic Voice, who told us that people “are questioning the very basis on which the system is being established and the very purpose for which it is there.”\textsuperscript{198}

109. The Government believe that the New Homes Bonus will incentivise communities to be more receptive to development\textsuperscript{199}, but such incentives, including the New Homes Bonus and the Community Infrastructure Levy, may not have such an effect.\textsuperscript{200} This point was summarised by the Planning Officers Society:

One of the biggest untested assumption in the Framework is […] the willingness of communities to deliver the amounts of growth the Government wants to see, incentivised by Community Infrastructure Levy, the New Homes Bonus and the new freedoms promised by localism. We have seen plenty of examples of communities which are willing to spend considerable sums of their own money to prevent development, and we are not necessarily convinced that the new incentives will lead to a sudden dramatic reversal of public opinion.\textsuperscript{201}

110. Mike Holmes, of the Planning Officers Society, told us that the main reason why people will get involved in formulating Neighbourhood Plans will be to stop development, rather than to bring forward more development, which highlights the fundamental tension between the principles of localism and growth:

Where are the areas where people are looking forward to do their Neighbourhood Plans to bring forward more development? Talking to members of the Planning

\textsuperscript{195} Draft NPPF, para 50
\textsuperscript{196} Draft NPPF, para 51
\textsuperscript{197} Ev w6
\textsuperscript{198} Q 195
\textsuperscript{199} Ev 155
\textsuperscript{200} Ev w212
\textsuperscript{201} Ev 115
Officers Society, we cannot identify many of these; in fact, the opposite. The approaches that have been made to local authorities are often based on trying to stop development or shape it in a way that will not bring the development forward. So there is a real tension there [...] which is not really brought out or acknowledged in the NPPF as it is drafted.\textsuperscript{202}

111. Further clarification is also needed on how detailed Neighbourhood Plans need to be and whether there is an option for a very brief Neighbourhood Plan—a ‘Neighbourhood Plan lite’—which may list only a few items. Trudi Elliot from RTPI told us that, under the existing planning system, there are “about 20 different planning tools that communities can use to help them shape their community”, but that the Localism Act makes neighbourhood planning “heavy” and “quite complicated”.\textsuperscript{203}

112. The LGA called for the document’s ‘core planning principles’ to include an “explicit and unequivocal” reference to localism and the discretion of local communities.\textsuperscript{204} However, Cllr Porter admitted that “expectations certainly have been raised that people will have a greater control over their own destinies”, but said that, as long as enough time is given to ensure Local Plans are in place, such control will be granted.\textsuperscript{205} The Institution of Civil Engineers wrote that it is “uncertain that the draft NPPF recognises that some Local Plans may, for good reasons, decide that some forms of sustainable development are not desirable in specific locations. In such cases, which has primacy?\textsuperscript{206} The relationship between the NPPF, Local Plans and Neighbourhood Plans needs to be set out clearly and cogently within the body of the NPPF, including the way in which strategic and local priorities are to be taken into account, especially when these priorities conflict. The NPPF must clarify whether the Local Plan or the Neighbourhood Plan takes precedence. It should also define what constitutes ‘strategic issues’. The NPPF should confirm that, in all planning decisions, it is a well-evidenced Local Plan that provides the operational expression of the general presumption in favour of sustainable development.

The duty to co-operate and evidence bases for Local Plans

113. Section 110 of the Localism Act 2011 imposes a ‘duty to co-operate’ on local planning authorities in preparing plans when relating to ‘strategic’ matters that would have a significant impact on at least two planning areas.\textsuperscript{207} Further detail on the duty is contained in the draft NPPF, which states that Local Plans should seek to meet unmet development and infrastructure requirements from neighbouring authorities “where it is practical to do

\textsuperscript{202} Q 137
\textsuperscript{203} Q 294
\textsuperscript{204} Ev 116
\textsuperscript{205} Q 151
\textsuperscript{206} Ev w213
\textsuperscript{207} Localism Act 2011 section 110; see our Second Report of Session 2010–12, Abolition of Regional Spatial Strategies: a planning vacuum?, HC 517, para 72, for this Committee’s views on the Duty to Co-operate as set out in the Localism Bill.
so.”208 The independent examination of plan documents for their ‘soundness’ will include an assessment of whether the planning authority has complied with the duty. John Rhodes commented that he did not believe this element of compulsion would need to be employed very often, "because planning authorities naturally do want to plan what is required for their areas, including cross-boundary stuff. They do it very well.”209 The LGA stated that there were already numerous examples of councils working together strategically.210

114. Not everyone was convinced, however, that the duty to co-operate would be an adequate replacement for the ‘larger than local’ view of planning hitherto provided by Regional Spatial Strategies.211 The Rail Freight Group predicted that while “diligent, pro-growth authorities are likely to take this duty seriously”, others would merely “pay lip service” to it.212 The Group was concerned about how effectively the duty would support developments whose benefits were regional or national, but have disbenefits that were mostly felt locally.213 Stuart Hylton of the Planning Officers Society noted that “a duty to co-operate is not the same thing as a duty to agree”, and argued it was wrong to assume “that agreement is always there for the reaching, if you just consult each other hard enough”.214 The UK Environmental Law Association predicted that, under the new system, “the problem will come with issues where no authority wants to take the lead—for instance, gypsy site provision in the South East, or the need for an urban extension into neighbouring authorities’ areas.”215 Many witnesses were concerned by the lack of sanctions for any local authority that declined to co-operate with others, especially as the control mechanism proposed—the power of the Planning Inspectorate to find a plan unsound—could in theory end up penalising a local authority which, through no fault of its own, has been unable to persuade its neighbours to co-operate.216 Furthermore, this control mechanism would only come into play at a very late stage of the plan formulation process.217 Short of the Inspector judging a plan to be unsound, we see no other sanction in the process.

115. The draft Framework states that Local Plans must be based on “adequate, up-to-date and relevant evidence.”218 The range of topics on which such evidence must be assembled is potentially very large, and relates to matters on which co-operation will be necessary, as well as matters solely within one authority’s area. Strategic priorities—those on which local planning authorities will have a duty to co-operate—are listed in the draft NPPF; they include housing and economic development requirements, the provision of infrastructure

208 Localism Act 2011, section 110; Draft NPPF, paras 44 to 48
209 Q 40
210 Ev 119
211 Ev w95, Ev 114, Q 61
212 Ev w96
213 Ev w95
214 Q 174; see also Ev w150; see also Ev w107.
215 Ev w156
216 Ev w63; Ev w150; Ev w20; Q 61
217 Ev w159
218 Draft NPPF, para 27
for transport, minerals, waste, energy, communications and health, climate change mitigation and adaptation, and protection and enhancement of the natural and historic environment. Consultancy Arup questioned whether local authorities individually or in groups would have the necessary evidence on which to make reasoned judgments on such issues. Dr Hugh Ellis of the Town and Country Planning Association noted that Regional Spatial Strategies had previously provided data sets relating to climate change, energy and demographics, and he argued that this information would be missed in future efforts to co-operate on strategic matters. Barratt Developments plc considered that the constitution of an evidence base for Local Plans was one of the NPPF policies on which more detail would be required.

116. The draft NPPF states that local planning authorities should “use an evidence base to ensure that their Local Plan meets the full requirements for market and affordable housing in the housing market area.” Elsewhere in the document the need for local authorities to prepare Strategic Housing Market Assessments (SHMAs) and Strategic Housing Land Availability Assessments is referred to. Groups of practitioners have been encouraged to work together to produce guidance on how to compile the necessary evidence base; Cllr Gary Porter predicted that “there may well be two or three slightly competing sets of guidance we could use, and councils will be able to choose the guidance that most appropriately fits their needs.” The Planning Officers Society, however, expressed the view that a common approach would be beneficial, particularly in terms of saving time and money, and local authorities could then be given the opportunity to justify taking a different approach. McCarthy & Stone, a provider of retirement housing, commented that at present SHMAs vary greatly in quality “and in our experience they are often deficient.” Roger Harding, Shelter’s Head of Policy, Research and Public Affairs, also argued that there was a need—and demand—for a clearer, consistent methodology for assessing housing need at a local level:

If you are all using a similar methodology, you can understand the trade-offs, and it facilitates the discussions that need to happen between neighbouring local authorities as to where housing is going to be built, particularly if one local authority has some significant land-supply constraints. It also helps people hold their local authority to account. [... There] is a danger that, if [councils] feel they are going to be unable or
unwilling to deliver more housing, they could use a definition of housing need that produces a somewhat lower figure than is the actual reality on the ground.\textsuperscript{230}

The National Housing Federation suggested that each housing needs assessment should itself be subject to a soundness test as part of the Local Plan examination process.\textsuperscript{231}

117. Consistency between local authorities in assembling evidence bases for Local Plans is crucial to the effective functioning of the duty to co-operate. While we understand that the Government believes the Duty to Co-operate contained in the Localism Act 2011 coupled with other developments such as the creation of Local Enterprise Partnerships will ensure that spatial planning is adequately addressed, we share some of these concerns. Without consistency, it will not be clear what benchmark the Planning Inspectorate will use for judging the ‘soundness’ of plans, especially when neighbouring local authorities have been unable to reach agreement about the need for or location of new housing. Therefore we recommend that the guidance being produced by practitioners on assembling an evidence base for housing be officially adopted by the Government. We also recommend that the Government commission groups of practitioners to produce similar, authoritative guidance on assessing needs for other types of infrastructure.

118. Waiting until and relying upon the Planning Inspectorate’s judgement about ‘soundness’ seems to us an inadequate means of enforcing the duty to co-operate. We consider that the Government should set out an alternative means of ensuring that local authorities demonstrate successful outcomes from their co-operation. This alternative method should be informed by a report from the Planning Inspectorate on the existing degree of co-operation in development plans and, thereafter, by an annual report on the effectiveness of section 110 of the Localism Act in respect of development plans.

119. Finally, it was clear to us that the absence of Local Plans was a contributory factor to the shortage of homes that have been built over many decades in England, and it is reasonable to expect that a requirement on local authorities to adopt Local Plans based on sound evidence of need will help facilitate an improvement to this situation.
7 Transition to a new system

120. The Department for Communities and Local Government’s target date for publishing the National Planning Policy Framework—and presumably bringing it into force—is April 2012.\(^{232}\) The Royal Town Planning Institute (RTPI) warned that experience of previous planning reforms had shown that unless the transition period was carefully managed, lack of certainty would in fact act to slow development.\(^{233}\) Stuart Hylton of the Planning Officers Society explained that

> every major change to the planning system since the war has been followed by a couple of years of downturn in development activity while the new system beds in. If we are talking about introducing the biggest change to the planning system in 50 years in the middle of the biggest recession in the national economy in 50 years, then the consequences could be very serious indeed.\(^{234}\)

121. The **NPPF Impact Assessment** notes that around half (47%) of councils do not have a published Core Strategy\(^ {235}\) at present, and fewer than a third (30%) have one which has been formally adopted.\(^ {236}\) The poor coverage of adopted Local Plans has given rise to a great deal of concern about the precipitate introduction of a system, through the NPPF, which guides local planning authorities to grant permission to developments whenever a plan is “absent, silent, indeterminate, or where relevant policies are out-of-date.”\(^ {237}\)

122. Conservation bodies and others feared that inappropriate, unwelcome or even unsustainable development could be imposed on areas without an adequate plan.\(^ {238}\) The Institution of Civil Engineers suggested that, when the NPPF was introduced, the limited coverage of Local Plans would encourage developers to submit applications that perhaps would not be approved were an up-to-date plan to be in place.\(^ {239}\) The National Trust speculated that “a national document [the NPPF] will in effect determine many planning decisions for years to come,”\(^ {240}\) and Roger Harding of Shelter predicted “a flurry of potential court judgments or applications brought forward while local authorities adjust to the new system that might not be in keeping with the long-term needs of the community and the NPPF itself.”\(^ {241}\)

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\(^{233}\) Q 278

\(^{234}\) Q 140

\(^{235}\) Core Strategies are the key compulsory planning documents currently required under the Planning and Compulsory Purchase Act 2004. They will be replaced by, and can be considered to constitute, the ‘Local Plans’ referred to throughout the draft NPPF.

\(^{236}\) NPPF Impact Assessment, table B1.1

\(^{237}\) Draft NPPF, para 14

\(^{238}\) Ev 104; Ev w200

\(^{239}\) Ev w212

\(^{240}\) Ev 108

\(^{241}\) Q 229
123. Even those areas currently covered by adopted plans may not be insulated from uncertainty. Several witnesses told us that, because no already-adopted plans include the changes of policy set out in the NPPF, in the words of RTPI President Richard Summers, “if the button was pressed on the NPPF tomorrow morning, as it is currently drafted, every Local Plan in the country would be immediately out of date. There needs to be a transition period to ensure that there is a smooth handover.”\(^{242}\) A particular concern is the requirement for plans to identify 20% more housing land than is indicated by their assessments of need, a requirement which few, if any, current plans will have incorporated.\(^{243}\)

124. Sir Simon Jenkins, Chair of the National Trust, told us that, since the publication of the draft NPPF, some transitional problems had already become apparent. Sir Simon alleged that Inspectors were already making decisions on the basis of the draft Framework in the absence of a Local Plan, so that “at the moment, you have an extraordinary state of affairs in which the Inspectorate is interpreting this document as, in effect, a green light for any sort of plan or any sort of development.”\(^{244}\) In September 2011 the Planning Inspectorate issued advice to the effect that the draft NPPF “is capable of being a material planning consideration, although the weight to be given to it will be a matter for the decision maker in each particular case.”\(^{245}\) Given the Minister’s indications that significant changes will be made to the document before it is finalised, this appears to be a very unsatisfactory interim position.

125. Because of these concerns, many organisations have called for transitional arrangements to be determined and clarified as a matter of urgency. The Local Government Association argued that

> it is vitally important that councils have a realistic chance of getting up-to-date plans in place before the presumption [in favour of sustainable development] comes into force. The process and timescales for having plans approved or certified in conformity with the NPPF must be simple and streamlined.\(^{246}\)

The *NPPF Impact Assessment* states that one of the reasons for the introduction of the presumption in favour of sustainable development is in fact to provide an incentive for local councils to get up-to-date plans in place.\(^{247}\) Business and development representative bodies welcomed this as a way of addressing the “serious frustrations” and uncertainty caused by local authorities taking several years to complete or publish plans.\(^{248}\) Others pointed out that councils have an additional incentive in the form of the Community

\(^{242}\) Q 278; see also Ev 108.

\(^{243}\) Ev 154

\(^{244}\) Qq 86, 129

\(^{245}\) planningportal.gov.uk, letter dated 8 September 2011

\(^{246}\) Ev 116

\(^{247}\) NPPF Impact Assessment, p 23

\(^{248}\) Ev 104; Q 19
The National Planning Policy Framework

Infrastructure Levy; without a Local Plan in place they will not be able to develop a tariff for charging developers under the CIL proposals.  

126. Nevertheless, the process of adopting or updating Local Plans will not necessarily be a swift one, especially because it must include robust community consultation and examination by a planning inspector.  

Representing the LGA, Cllr Gary Porter pointed out that under the new system, councils will have to take a considered view on many aspects of policy which were previously determined nationally or dealt with on a regional level, such as the duty to co-operate, housing density requirements, or even car parking standards.  

Local authorities whose plans assume the presence of a regional tier of planning, and the full suite of guidance that is currently in place, may also find that under the new system there are important gaps in their policy coverage. These factors can be expected to add significantly to the time needed to prepare plans. Furthermore, while the burden of producing plans may be greater under the new system, the resources councils have to devote to the process are in many cases diminished, or at least under greater pressure. Stuart Hylton commented that:

Many authorities have gone through 20% or 25% cuts in their planning policy staff as part of the budget savings, but at the same time they are being asked now to plan at three different levels. They have their day job of doing the Local Plan borough-wide; they have the hand-holding that they are asked to do with neighbourhoods who want to produce Neighbourhood Plans—and I know from experience that is a hugely resource-intensive task for local authorities—and they are also being asked to act up strategically and fill at least part of the gap that has been left by the demise of the regional tier. So they are being asked to do a lot more with a lot less, and I think we need to be realistic about what will be able to be delivered within what timetable.

127. A measure of concern was also expressed about whether the Planning Inspectorate would have sufficient capacity to examine a large number of new planning documents in a short period of time. Demand will be particularly acute because, unlike with previous revisions of the planning system (such as the requirement for district-wide local plans after 1991), there has been no indication from the Government that plans prepared under superseded regulations will be allowed to continue and to carry weight in decisions, at least until their original end dates. There is likely, therefore, to be a glut of new documents as councils rush to catch up with the new system.

128. London Councils suggested there should be a one-year period of transition before the NPPF takes effect in order to allow local authorities that do not have recently adopted Local Development Frameworks to catch up by preparing, publishing and scrutinising

249 Q 285
250 Ev w277
251 Q 166
252 Q 140
253 Ev w200 [RICS]; Q 140
254 Q 140
255 Ev w106 [Oxford City Council]; Ev 119 [Local Government Group]
their plans and getting them approved by the Secretary of State. The National Trust suggested a grace period of two years, and this was supported by the Planning Officers Society on the basis that this would match the timetable for the introduction of the Community Infrastructure Levy. John Slaughter of the Home Builders Federation told us:

The starting point is that there cannot be a gap. If you are looking to develop, then we need to have a manageable transition so that, where you have a reasonable application to put forward, there is going to be a basis on which it can be determined fairly. You are clearly going to have a range of situations. Where there are authorities that already have adopted core strategies, that is one thing. Where they are close to adoption, that is slightly different. Where they are a long way from adoption, that it is different again. I do not think it would be reasonable to have an indefinite period when the aspects of the Planning Framework did not apply.

129. The need to take account of the different stages that local authorities find themselves at was stressed by Hampshire County Council, which argued that

to cast the many recently adopted or published core strategies on the scrap heap and require a planning system to be built from scratch across the whole country cannot be a sensible way forward. A way must be devised of creating a period of transition between the primacy of plans based on the old suite of guidance to allow the creation of new plans based on the NPPF.

Oxford City Council suggested that any adopted Core Strategies should automatically be assumed to be in compliance until their next review is due, potentially up to five years. The Environmental Audit Committee recommended that there be a transition period during which “local authorities should be able to judge planning applications on the basis of any existing plans potentially rendered ‘out of date’ by the NPPF and by the relevant legacy policies in the revoked Regional Strategies.” Adrian Penfold, author of the Penfold Review of Non-Planning Consents, argued that some policy changes would be more difficult than others for local authorities to incorporate in their plans—pointing out that changes to Planning Policy Statements have often been introduced without a transition period—so transition could be nuanced accordingly. Mike Holmes of the Planning Officers Society stated that review of plans “has in the past been too cumbersome a process because what has happened is you have had to review the whole of the document”, rather than discrete sections of it which had changed.

256 Ev w295 [London Councils]; Ev w250 [National Housing Federation]
257 Qq 128, 140
258 Q 127
259 Ev w46
260 Ev w105
261 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, para 24
262 Q 302
263 Q 148
130. The Minister, Greg Clark, told us that it had always been the Government’s intention to put transitional arrangements in place—an intention, in our view, that could usefully have been expressed in the draft Framework so as to avoid raising so many concerns on this point. He explained that councils which have relevant policies in place, even where those fall short of being a full, up-to-date Local Development Framework, could expect planning applications to be determined in the light of those policies in the transitional period. In the debate on the NPPF in the House in October, the Minister indicated that he was reluctant to pre-empt the Department’s consultation response by detailing what those arrangements would be. Nonetheless, he affirmed that “no local council or authority that has developed a plan that expresses the future of its community will be at all disadvantaged. [...] we will safeguard and strengthen the ability of local councils to be in charge of their own destiny rather than the reverse.”

131. Local Plans are the foundation on which the planning system should be built. It is in everyone’s interests that they are effective expressions of both local needs and local wishes; preparing the evidence base and conducting robust consultation to ensure this will necessarily be time-consuming and resource-intensive. It is right that the Government seek to incentivise the prompt production of plans, but a degree of realism is needed about the time it will take councils to revise and adopt plans that take into account the new policy landscape. We recommend that the Government establish a timetable for a transition period in consultation with local government. We consider that clarity and reassurance are urgently needed by local authorities, communities and developers on the status of existing arrangements for development control during this transition. The Government has several choices on how to achieve this.

132. We recommend that, in the interests of ensuring that authorities put in place Local Plans compliant with the NPPF expeditiously, a strictly limited period is allowed during which the presumption in favour of sustainable development is not applied in cases of absent, silent or out-of-date plans until councils have had a realistic chance of putting such plans in place.

133. We observe that the Government may wish to allow those authorities that have recently adopted or are at present in the process of adopting new plans a lighter touch path to examination and approval of those parts of their plans that require any amendment as a consequence of revisions to national policies introduced through the NPPF.

134. We believe that if Local Plans are to be able to remain at the centre of decision making over a plan period, there needs to be a mechanism by which they can be kept up to date. This will help maximise certainty and minimise challenge. We recommend the adoption of a ‘light touch’ system of approval for changes to Local Plans to be used at the discretion of the Local Authority as they judge necessary.

264 Q 332
265 HC Deb, 20 October 2011 Col 1085
135. We further recommend that the Government consider as a matter of urgency whether the resources of the Planning Inspectorate are sufficient to prevent a bottleneck of unapproved plans building up, particularly given the scope for a short term increase in challenge to Development Control decisions.
8 Where should development take place?

136. The draft NPPF incorporates a number of significant changes to policies that affect where development will be located. These are changes to policy on brownfield, on identifying land supply, and on town centres. These three policies were characterised by the Environmental Audit Committee (EAC) in their letter to us as giving the appearance of encouraging less sustainable types of development.266 In this chapter we consider each of these policy areas in turn.

Development on brownfield land

137. The Plan for Growth announced that the target for 60% of housing to be on brownfield land, in place since 1998, was to be removed. Furthermore, as with other Planning Policy Statements, PPS3 on Housing will be cancelled with the introduction of the NPPF; PPS3 set out a policy of ‘brownfield sites first’, stating that “the priority for development should be previously developed land, in particular vacant and derelict sites and buildings.”267 The core planning principles in the draft NPPF state that “where practical and consistent with other objectives, allocations of land for development should prefer land of lesser value”,268 and later the document states that “plans should allocate land with the least environmental or amenity value where practical”.269 The National Trust warned that the 60% target had not been replaced with “a clear enough statement of the importance of using previously-developed sites first.”270

138. John Slaughter, Director of External Affairs at the Home Builders Federation supported the more flexible approach of the draft NPPF. He told us that the brownfield target had not been successful, because while a higher percentage of housing was located on brownfield sites, the overall volume of housing did not increase to the required levels because the policy simply reduced the amount of greenfield development that was approved.271 Others lauded the ‘brownfield first’ policy for achieving precisely that.272 Sir Simon Jenkins, Chair of the National Trust, argued that the policy had supported urban renewal and environmental sustainability, and its removal would encourage development “to go where the money is, which is into the countryside”.273 Dr Hugh Ellis of the Town and Country Planning Association told us that the policy had been very important for ex-industrial areas in northern England, and “without it the future for them is potentially bleak”.274 The British Property Federation told the EAC that the Federation “fully support

266 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, para 11
267 DCLG, Planning Policy Statement 3: Housing, June 2011
268 Draft NPPF, para 19
269 Draft NPPF, para 165
270 Ev 112
271 Q 131
272 Q 209
273 Q 119
274 Q 68
the reinstatement of some form of brownfield first concept [...] it is entirely morally right that you should seek to use land that has been previously used, where it can meet your needs, before you start to look at a greenfield site.”

139. The **NPPF Impact Assessment** explains the changes of policy by saying that “the stock of (viable) brownfield land varies by local council, and in some areas is becoming a strain on development”\(^\text{276}\). Based on the fact that there is a need for 200,000 to 250,000 houses a year, Mr Slaughter considered that there was not enough brownfield land available to meet even three years’ worth of new homes, and the planning system would also need to bring greenfield sites forward for development.\(^\text{277}\) According to the National Land Use Database, in England in 2009 there was sufficient previously-developed land available, and considered suitable for housing, to accommodate nearly 1.5 million dwellings.\(^\text{278}\) Even in the regions with lowest availability, it would take seven years of housebuilding on previously-developed land at pre-recession rates to use up the current supply. This assumes a constant rather than increasing rate of housebuilding, and that the land comes forward for development with no unforeseen problems. However, figures also show that the supply of previously-developed land is being replenished at almost exactly the rate it is being used in England as a whole, with some regional variation, so it should not be considered a finite resource.\(^\text{279}\)

140. The British Property Federation recommended that, rather than reinstating a target for brownfield use, local authorities should be required to set out in their Local Plans policies for maximising the use of brownfield land in their areas—a solution that would be both localist and sensitive to variations in the availability of previously-developed land.\(^\text{280}\) BPF made the point, however, that public funding for remediation of contaminated land had often been crucial to efforts to maximise use of brownfield sites.\(^\text{281}\) The Minister, Greg Clark, told us that there should be some means of assessing the viability of development on land where the cost of bringing it back into use would be very high, and that it was “desirable that regeneration does, where it can, find sums of money” to achieve this.\(^\text{282}\)

141. Representing the Local Government Association, Cllr Gary Porter described the brownfield policy as “a complete and utter failure” because gardens had often been considered brownfield land.\(^\text{283}\) The Minister acknowledged this problem as an unintended consequence of a definition of brownfield land “that was not environmentally sensitive enough”—although gardens were removed from the definition of previously developed

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275 Environment Audit Committee, *Sustainable Development in the National Planning Policy Framework*, HC 1480, Q 38
276 *NPPF Impact Assessment*, p 49
277 Qq 120, 122, 123; see also Q 255.
278 Green Balance, *Building in a small island: why we still need the brownfield first approach*, Campaign to Protect Rural England, November 2011
280 Ev 104
281 Ev 104, Q 119
282 Q 346
283 Q 151
land in June 2010. The NPPF instead uses the wording “land of least environmental value”. Ian Fletcher of the British Property Federation told us, however, that this formulation ignored the valuable social and economic dimensions of the brownfield first policy, and a more “subtle” definition was needed. Other potential difficulties we were told about included local authorities wishing to allocate brownfield to uses other than housing, such as public open spaces and amenity, the significant wildlife habitats that sometimes become established on derelict land, or the fact that some previously-developed sites may be some distance away from existing settlements, transport links or community infrastructure. In evidence to the Environmental Audit Committee, the Campaign to Protect Rural England (CPRE) argued that such circumstances could be addressed by local planning authorities in their local context, and through “slight revisions to policy” rather than by removing the preference for brownfield sites.

142. The Minister recognised that the omission of the terms ‘brownfield’ and ‘previously-developed land’ from the policy as expressed in the draft NPPF had caused some readers to infer that it was no longer a Government priority to see derelict land brought back into use. He commented that it should be possible to clarify the policy intent while referring to the word ‘brownfield’, which benefited from “a certain familiarity”. The Impact Assessment notes that there is a risk that, by removing the priority for brownfield development, “Government may be seen to be encouraging development on greenfield land”. This risk, it states, will be mitigated “by continuation of existing landscape and environment protections, such as Green Belt, Sites of Specific Scientific Interest, Areas of Outstanding Natural Beauty and by implementing the new designation to protect green spaces of particular local importance to communities.” However, the Impact Assessment also takes trouble to outline many potential benefits of greenfield development, such as increasing housing supply, greater competition, job creation and more access to New Homes Bonus and Community Infrastructure Levy funds, and anticipates that development will no longer be “skewed” towards previously developed sites.

143. We welcome the Government’s openness to reinstating the familiar and well-understood term ‘brownfield’ in the NPPF, whilst recognising that more sophistication is needed in its definition to avoid unintended consequences. There is a danger, nevertheless, that the removal of the brownfield target and the ‘brownfield first’ policy—in conjunction with the introduction of the presumption in favour of sustainable development and changes to requirements for allocating land for housing—

will result over time in less importance being attached to the use of previously-developed land first where possible. This principle should be strongly stated in the NPPF, and reiterated by requiring local authorities to set their own targets for the use of brownfield land. This would allow for adaptation to particular circumstances and would in addition be a useful mechanism for local accountability.

The supply of sites for housing

144. The draft NPPF states that, in order to boost the supply of housing, local planning authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements; this supply should include an additional allowance of at least 20% “to ensure choice and competition in the market for land.”294 In this rolling five-year (effectively six-year) supply, local planning authorities will not be permitted to make allowance for windfall sites, “unless they can provide compelling evidence of genuine local circumstances that prevent specific sites being identified.”295 Windfall sites are those which are not allocated in a plan but subsequently become available for development.

145. Shaun Spiers, Chief Executive of CPRE, told us that the requirement to allocate more land “will put irresistible pressure on local authorities to release greenfield land unnecessarily [...] and simply enable developers to cherry-pick greenfield sites,” that is, sites which are generally easier to develop and more profitable.296 Richard Summers, President of RTPI, described the requirement as “a strange formulation” and said it would

    put the squeeze on authorities whose urban edge is up tight against the green belt, an area of outstanding natural beauty or an area of countryside that is valued for environmental, forestry, or agricultural purposes. It also puts a squeeze on the question of updating a plan, because it will take some time to go through the land search, the public consultation and all the rest of it to bring the Local Plan up to date.297

John Slaughter of the Home Builders Federation rejected the suggestion that developers would be able to cherry-pick greenfield sites, because it would still be up to the local authority to identify the land to be allocated, and to focus on brownfield land within that.298

146. Changes to the requirement for housing land supply, as well as changes to brownfield policy, were a particular concern to environmental groups who feared that the draft NPPF did not provide sufficient protections from development for greenfield land which may consequently be in more demand. The draft Framework deals at length with Green Belt land,299 and requires that local planning authorities give “great weight” to “protecting

294  Draft NPPF, para 109
295  Draft NPPF, para 109
296  Q 262, Ev 143
297  Q 302
298  Q 125–26
299  Draft NPPF, paras 133 ff
landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.”\(^{300}\) It also introduces a new category of designation, ‘Local Green Spaces’, although it notes that this “will not be appropriate for most green areas or local space.”\(^{301}\) However, conservation organisations argued that there is little explicit protection in the NPPF open land which does not enjoy a special designation, nor is there recognition of the intrinsic value of the countryside.\(^{302}\) The North Wessex Downs AONB, for example, argued that the document reverts to a view of nature and landscapes as “compartmentalised oases of conservation”, and “removes the universal protection currently afforded to the wider countryside.”\(^{303}\) Civic Voice was concerned for the future of what it called “everyday places.”\(^{304}\)

147. The Minister explained that the rationale for “the sixth year” policy was to provide a “buffer” when sites either fail to come forward for development or do not yield the anticipated number of homes.\(^{305}\) Adrian Penfold, author of the Penfold Review, considered that this measure would make the five-year land supply “more viable and more achievable.”\(^{306}\) Cllr Porter agreed that an over-allocation would protect against plans failing to deliver as expected, but asked “why have a nationally set target? Why not have a local target determined on history? The same with windfall sites. Windfall sites [...] should be included against the over-allocation.”\(^{307}\) Tony Burton of Civic Voice argued that it would be odd to have a policy favouring housing development on brownfield land, but not to embrace a significant source of such sites for housing development in the form of windfall sites.\(^{308}\)

148. The Minister told us his intention was to “reflect on” the fact that some councils in fact had a good record of accurately predicting their actual supply of windfall sites, which might justify a more localist arrangement; the same could apply to councils which see a consistent level of windfall sites coming forward.\(^{309}\) In response to concerns that the extra 20% would mean developers could ‘cherry pick’ the less environmentally-damaged sites within the allocation, Mr Clark said during a debate in the House that “it is exactly the intention that councils should be able to prioritise and to bring forward the lowest environmentally valuable sites first.”\(^{310}\)

149. Asking local authorities to identify six years’ rather than five years’ worth of sites for housing carries an inevitable risk that the total supply will contain a greater
proportion of greenfield sites, which developers will prefer. We recommend that it should be made explicit that local authorities which adopt a local target for the use of brownfield land can prioritise it within their six-year supply, which we urge the Government to confirm and clarify in the NPPF.

150. We recommend that the Government allow windfall sites to be included alongside identified brownfield land where local authorities can demonstrate a track record of such sites coming forward for development, as this will achieve the aim of satisfying the need for land supply while minimising the need to allocate greenfield sites. The Government should have more confidence in the continuing replenishment of brownfield sites as a source of land for new development.

151. Some local authorities may, in good faith, be unable to identify six years’ worth of land supply appropriate for housing. We recommend that the Government clarify that unsustainable development will not be allowed to proceed as a result of appeals against local authorities which have not allocated the full six year supply.

Town Centre First

152. Planning Policy Statement 4 (PPS4) includes the policy of ‘Town Centre First’, bringing in a ‘sequential test’ for development under which sites were identified for development first in existing centres, then in edge-of-centre locations, and only then in out-of-centre locations.311 The draft NPPF contains a section which is supportive of town centres as the preferred location for retail and leisure development as opposed to out-of-town development. The Framework also proposes to increase the ‘time horizon’ for assessing the impact of retail and leisure schemes in edge-of- or out-of-centre locations from five to ten years.312

153. However, several organisations expressed concern that the drafting of the NPPF weakens the Town Centre First policy by guiding local planning authorities to “prefer” rather than require applications in town centre locations, and qualifies this by adding “where practical”.313 Office development has been removed entirely from the scope of the policy, exempting offices from the sequential test. Furthermore, arts, culture and tourism were included in the list of ‘main town centre uses’ in PPS4, but it is not clear from the text of the draft NPPF whether these have been subsumed under “leisure uses”, or whether they have been omitted from the policy.314

154. Support for the Town Centre First policy among our witnesses was nearly unanimous, although Professor Paul Cheshire argued that it had resulted in losses of productivity in the supermarket sector and had increased retail’s carbon footprint.315 However, there was

312 Draft NPPF, para 80
313 Draft NPPF, para 78
314 Draft NPPF, para 78 ff; Planning Policy Statement 4, para 7
315 Qq 69-70
widespread recognition of the role that the policy had played in helping town centres to prosper by concentrating development there, and during our previous inquiry into Regeneration, we heard that the policy had made a significant contribution to town centre regeneration.\(^{316}\)

155. The John Lewis Partnership argued that the policy had “served town centres well for almost two decades” and should remain “the cornerstone of positive future investment for and in town centres”. It expressed concern that the language of the NPPF “falls short of giving the necessary weight to the sequential and impact tests” by replacing a requirement with a preference,\(^{317}\) and that the detail of how impact and sequential assessments should be undertaken would be lost because of the brevity of the NPPF.\(^{318}\) The John Lewis Partnership suggested that, if a scheme failed a sequential test or was likely to have a significant adverse impact on a town centre, it should not be considered sustainable and should normally be refused permission.\(^{319}\) The Association of Convenience Stores stated that the removal of “significant amounts of detail” from the policy may give developers greater opportunities to circumvent it, and expose councils to legal challenge should they resist out of town development.\(^{320}\) Sustainable transport organisations were concerned that the change to policy would increase congestion and car travel.\(^{321}\)

156. The \textit{NPPF Impact Assessment} argues that the requirement to demonstrate compliance with the sequential test “places undue burdens on office development” and has contributed to high rent costs for office space compared to other countries.\(^{322}\) However, this was not the explanation for the change of policy given to us by the Minister in oral evidence:

> In a lot of rural areas, making use of disused agricultural buildings for business hubs, including small offices, has been quite successful in providing a place in which businesses can start up, and in terms of sustainability, if you live in a village and you can actually work there, rather than needing to commute somewhere else, that seems desirable. That was our intention in not requiring every new office development to be in the town centre. What was not intended—it has been suggested that this may be a loophole—was to have massive out-of-town office developments that could detract from the town centre. [...] let me say again what my policy intention was in drafting this: it was not to depart from the 'town centre first' policy, but to strengthen it.\(^{323}\)

157. The Town Centre First policy has enjoyed widespread support from businesses as well as local authorities, and the certainty it provides to developers has been an important

\(^{316}\) Communities and Local Government Committee, Sixth Report of Session 2010–12, \textit{Regeneration}, HC 1014, November 2011, paras 40–42; Ev 96; Qq 207, 208  
\(^{317}\) Ev 131, Q 203 ff  
\(^{318}\) Ev 132  
\(^{319}\) Q 210  
\(^{320}\) Ev w35  
\(^{321}\) Ev 144 [Campaign to Protect Rural England]; Ev w37 [Sustrans]; Ev w102 [Living Streets]  
\(^{322}\) \textit{NPPF Impact Assessment}, p 35  
\(^{323}\) Q 343
springboard for councils to achieve town centre regeneration. The NPPF should reflect the existing Town Centre First policy by bringing offices back within its ambit, in a form that allows exceptions that make a specific contribution to rural sustainability. We recommend that application of the sequential test for development remains a requirement rather than a preference, and developments that fail the sequential test should be deemed unsustainable. We further recommend that the Government clarify the policy position on town centres with respect to arts, culture and tourism uses, to ensure that they are included in the Town Centre First policy.

158. The draft NPPF states that planning policies should “promote competitive town centre environments” and “recognise town centres as the heart of their communities”. It also stipulates that local authorities should “set policies for the consideration of retail and leisure proposals which cannot be accommodated in or adjacent to town centres”. The Local Government Association (LGA) noted that:

there is often a widespread desire for local communities to have more of a say on the sustainability of their shopping parades, district town centres and high streets. The vitality of these places depends on local areas having access to the necessary tools to shape their locality in a way that reflect local needs and priorities.

The LGA argued that reform of planning policy must better allow this to happen. We recommend that the NPPF include a provision to allow communities, in certain exceptional circumstances, to adopt an absolute protection of a town centre from out-of-town retail development. The circumstances would have to include evidence of widespread community support, and the ability to demonstrate that the town centre has outstanding qualities that would be threatened by the proposed development.
9 Conclusion

159. We support the Government’s aims to reduce the amount of planning guidance, to make the planning system more accessible, to give local people the opportunity to contribute to planning in their areas, and to bring processes more swiftly to a conclusion when a decision is uncontroversial. Therefore, we welcome the idea of a single, strategic National Planning Policy Framework that progresses towards these aims.

160. We support the Government’s aspiration to give an impetus to the production of Local Plans across the country; it is unacceptable that so much of England is not covered by an adopted plan at present. It is Local Plans which will best embody the Government’s aspirations for both sustainable development and greater localism in planning, which will give certainty and confidence to both the community and developers, and which should guide day-to-day decision-making. For these reasons it is crucial that local planning authorities be given an adequate (but time-limited) opportunity to adopt up-to-date plans, and that they receive reassurance that plans already in place will not be cast aside, leaving the door open for inappropriate development. Plans must, as the NPPF stresses, be based on robust evidence of needs and the intention to meet those needs. However, consistency in the way in which those evidence bases are compiled will also be needed if Local Plans, cumulatively, are to meet the needs of the country as a whole. Above all, the NPPF’s introduction of a presumption in favour of sustainable development must be seen as a high-level principle rather than a challenge to the predominance of local decision-making. That is why we have recommended that it be expressed instead as a ‘presumption in favour of sustainable development consistent with the Local Plan’.

161. The NPPF does not only seek to provide an impetus to the production of Local Plans, however. It also aims to provide a policy framework for those plans and to provide a basis for decision-making in the absence of a Local Plan. For these purposes, we find the document lacking. Its definition of sustainable development is inadequate, and we have made suggestions for how this could be improved. The presumption in favour of sustainable development is a useful concept if it is intended to be an overarching, strategic aim, but it is not an appropriate basis for making decisions in individual cases. It is also expressed throughout the document in inconsistent ways, which together have the effect of unbalancing a stool supposed to rest on the three equal legs of economic, social and environmental considerations.

162. We agree with those who have detected in the draft NPPF a weighting towards the aim of economic growth. The exhortation to adopt a ‘default yes’ to development proposals, the way the concept of viability is framed, and the ‘significantly and demonstrably’ test for evidence against development, all seek to tip the balance of decision-making too obviously towards development that may be unsustainable. These elements of the Framework chip away at reassurances of protection for the environment, and have the potential to undermine the primacy of local decision-making. Changes to policy on transport, brownfield development, identification of land supply and Town Centre First
further unbalance the NPPF, as the amended policies are more likely to tend towards unsustainable development.

Further consultation

163. The Environmental Audit Committee stated in their letter to us that “the scale of change needed to the document suggests to us a need for a further round of public consultation once an improved draft is produced.” 326 We put the suggestion of a second stage of consultation on a revised draft to the Minister, Greg Clark, who argued that responses to the initial consultation had been sufficiently clear and detailed to enable the Government to produce a satisfactory final version without taking further soundings. He told us:

We know what people would like to see, and they have been very clear, even down to the wording in many cases. We have plenty to go on to be able to have a document that meets the ambitions that we all have, so we will not be holding another consultation. [...] As part of any consultation, there is the opportunity to clarify with people who have made suggestions what, precisely, they meant by this word and whether that formulation captures it—the opportunity to clarify submissions that are made. I am confident that we will be able to do it. 327

164. We see a strong case for a short consultation to allow practitioners to make comments on the technical aspects of the revised NPPF. This would help avoid confusion at a later date. The Government should also consider carrying out a brief but wider consultation if it makes substantial changes to what might be reasonably regarded as key principles in the final NPPF.

326 Environment Audit Committee, Sustainable Development in the National Planning Policy Framework, HC 1480, para 41

327 Qq 348–49
Conclusions and recommendations

How much planning guidance is needed?

1. We welcome the fact that the Minister is receptive to specific suggestions for improvements to the NPPF. We consider that there needs to be a clear narrative at the start of the NPPF, stating: where planning policy has stayed the same, but has been simplified or summarised; where new policy has been introduced; where current policy has been changed or removed; and the relationship of the NPPF to other national policy documents, including National Policy Statements and the Natural Environment White Paper. There is no harm in increasing the length of the document moderately, if that results in a more comprehensive and less ambiguous document. (Paragraph 23)

Clarity and terminology

2. Brevity and simplicity are to be applauded in any document. However, we consider that the NPPF does not achieve clarity by its brevity; critical wording has been lost and what remains is often unhelpfully vague. If the NPPF is to be a document that assists with practical decision-making, rather than a lawyers’ charter or an easy-to-read guide to the planning system, its drafting must be more precise and consistent, and sufficiently detailed to enable local authorities to write their own Local Plans. The Government should carefully consider the alternative drafts, submitted by many organisations as part of DCLG’s consultation, in order to produce a tighter, clearer document, and should not make a fetish of how many pages it is. Examples of such words and phrases needing tighter definitions in the NPPF include: ‘significant weight’; ‘great weight’; ‘substantial weight’; ‘considerable weight’; ‘significant flexibility’; ‘a high degree of certainty’; ‘sustainable economic growth’; ‘absent’; ‘silent’; ‘indeterminate’; ‘out-of-date’; ‘certificate of conformity’, ‘where practical’; and ‘where reasonable’. (Paragraph 29)

Additional guidance

3. At least until new guidance is produced, the continuing relevance and force of the body of current planning guidance under the NPPF needs to be clarified and secured. We recommend that once the NPPF is published, all guidance and advice documents be reviewed by DCLG—in consultation with local authorities—item by item, so that the content of the documents that local authorities find operationally and technically useful can be retained for reference in some form, lest councils spend valuable time reinventing numerous wheels. New guidance produced by third parties or groups of practitioners should have government ownership, to ensure consistency of approach. (Paragraph 33)

4. The Government’s documents relating to the NPPF risk creating confusion. Any such ambiguities must be resolved within the document itself, as supporting statements made to explain or moderate its meaning are unlikely to remain reference sources in the years ahead. (Paragraph 37)
Policy topics not covered in the NPPF

5. We conclude that without lengthening the Framework excessively it should be possible for the Government to allay fears about a lack of detail and omissions from the NPPF, by cross-referencing other documents and by adopting a more inclusive definition of sustainable development. The revised NPPF should also reassure local authorities that they are permitted to take into account in their Local Plans issues that are not explicitly referred to in the Framework. (Paragraph 40)

6. We do not support the change in the definition of affordable housing represented by the wording in the draft NPPF. We recommend that the current definition of ‘affordable housing’, contained in Planning Policy Statement 3, be reiterated in the draft NPPF to avoid any confusion. (Paragraph 41)

7. The NPPF should refer to the role of statutory consultees as a safeguard for community amenities, such as playing fields. We recommend also that the revised Framework should reinstate the requirement for equivalent or improved replacement sports facilities to be provided if they are lost to development, where a deficiency would otherwise result. (Paragraph 43)

8. The Government should review the NPPF as a whole, to check that there are no other relevant, specific issues that are either omitted or adversely affected by the changes in the Framework. (Paragraph 43)

Spatial planning

9. There is evidence of concern that the draft NPPF is largely "placeless". While we recognise that it was never the intention of the Government to issue the draft NPPF as a 'spatial' plan, we consider that its impact and effectiveness would be improved if the possibility of differential impacts of its policies on different parts of the country were to be recognised in the Framework and that where a local authority seeks to recognise local variations, the NPPF encourages local authorities to ensure that there is a robust evidence base in place to justify these variations, and thus, that it serves the Government’s stated intention to re-balance the national economy. (Paragraph 47)

Conclusions on the definition of sustainable development

10. Any new definition of sustainable development must contain the following elements:

a) the clear and identifiable use of wording from the Brundtland report as this is well known and understood;

b) the restating of the five guiding principles from the 2005 sustainable development strategy; and

c) an explicit statement of the need to address and to seek to achieve all of the aspects of sustainable development, and not to start by assuming that one aspect can be traded off against another. (Paragraph 66)
11. We consider that the definition of sustainable development must give a clear indication of what constitutes sustainable development, while encouraging local authorities to apply this definition to their own local circumstances and allowing them the scope to do so. (Paragraph 68)

**The presumption in favour of sustainable development**

12. We agree with the Environmental Audit Committee that local planning authorities “need an NPPF which does not push them to regard [the] economic dimension as predominant”, and we consider that the NPPF, as currently drafted, does run this risk. We consider that it is reasonable and practical for the NPPF to have as an overarching principle a presumption in favour of sustainable development. However, the draft NPPF conflates the term ‘sustainable development’ and ‘sustainable economic growth’, thereby making the document unbalanced; the two terms are distinct and should be kept separate in the Framework. (Paragraph 75)

**Default ‘yes’ to development proposals**

13. The sentence “decision-takers at every level should assume that the default answer to development proposals is ‘yes’, except where this would compromise the key sustainable development principles set out in this Framework” should be removed from the NPPF. It is weighted too far towards a single interest that the planning system must address, and is inconsistent with both the plan-led system and the more measured presumption in favour of sustainable development. (Paragraph 77)

**‘Presumption in favour of the Local Plan’**

14. It is sensible that planning should support a presumption in favour of sustainable development as a strategic purpose, but that presumption is not precise enough to be used as a tool for decision making. Where there is an adopted Local Plan in place, the Local Plan should be the starting point for planning decisions. Local Plans should be based on robust evidence, transparent, capable of providing the development needed in an area, reflective of local circumstances, and offering as much certainty as planning reasonably can. The presumption in favour of sustainable development should be redefined as ‘a presumption in favour of sustainable development consistent with the Local Plan.’ In our view, this will not only firmly anchor sustainable development to local circumstances, but will also provide a spur to local authorities to prepare their Local Plans. (Paragraph 80)

**‘Significantly and demonstrably’**

15. The phrase ‘significantly and demonstrably’ should be removed throughout the document; we prefer the simpler test of significance. Indeed, the alternative wording from the Practitioners Advisory Group’s version—“this presumption should apply unless to do so would cause significant harm to the objective, principles and policies set out in this National Planning Policy Framework”—encapsulates, in our minds, a clearer, more balanced approach to the presumption in favour of sustainable development. Such new wording should also place the burden of proof of the
presumption not causing significant harm onto the developer or applicant, not on the planning authority. (Paragraph 86)

Viability

16. From the definition of ‘viability’ in the draft NPPF, many have concluded, which we fully understand, that the NPPF would allow unsustainable development to go ahead if measures to make it sustainable were also deemed to make it unviable for the developer. We welcomed the Minister’s clarification and we recommend that the NPPF make it clear that calculations of viability presuppose requirements to provide infrastructure and other measures necessary to the development, not simply returns deemed acceptable by the developer. (Paragraph 91)

Illustrating the problem of balance: transport in the NPPF

17. We consider that the transport section of the NPPF is a good illustration of lack of balance in the document as currently drafted; by the use of such phrases as ‘where reasonable’, and ‘where practical’, it gives the impression that the ‘sustainable’ part of ‘sustainable development’ can be jettisoned almost at will. Local authorities should be able to expect that they can reject or enforce changes to development on transport or environmental grounds, not just where the impact would be ‘severe’, but where it would run counter to local priorities and wishes, or where an individual development might contribute to a ‘severe’ cumulative impact caused by several developments. This example serves to illustrate the difficulties local authorities may have in making a determination on particular applications. (Paragraph 95)

Statutory status of Local Plans

18. We recommend that the NPPF unambiguously reflect the statutory supremacy of Local Plans, in accordance with the 2004 Planning Act. The prominence given to the presumption in favour of sustainable development risks presenting it as a decision-making mechanism on a par with, or superior to, the Local Plan. In view of the fact that the Local Plan is a keystone of the planning edifice, it is crucial that local authorities have Local Plans in place as soon as possible. (Paragraph 101)

Absent, silent, out-of-date or indeterminate Local Plans

19. There is a tension between the advice in the NPPF that Local Plans should be succinct, and the need for local authorities, in the absence of national guidance, to produce comprehensive plans tailored to local circumstances. We share the Government’s desire for succinct Local Plans, but accept that somewhat longer Local Plans are inevitable because they will fill significant gaps left by the loss of regional plans and by the substantial reduction in detail of national policy. (Paragraph 104)

Tensions between the NPPF, Local Plans and Neighbourhood Plans

20. The relationship between the NPPF, Local Plans and Neighbourhood Plans needs to be set out clearly and cogently within the body of the NPPF, including the way in
which strategic and local priorities are to be taken into account, especially when these priorities conflict. The NPPF must clarify whether the Local Plan or the Neighbourhood Plan takes precedence. It should also define what constitutes ‘strategic issues’. The NPPF should confirm that, in all planning decisions, it is a well-evidenced Local Plan that provides the operational expression of the general presumption in favour of sustainable development. (Paragraph 112)

The duty to co-operate and evidence bases for Local Plans

21. Consistency between local authorities in assembling evidence bases for Local Plans is crucial to the effective functioning of the duty to co-operate. While we understand that the Government believes the Duty to Co-operate contained in the Localism Act 2011 coupled with other developments such as the creation of Local Enterprise Partnerships will ensure that spatial planning is adequately addressed, we share some of these concerns. Without consistency, it will not be clear what benchmark the Planning Inspectorate will use for judging the ‘soundness’ of plans, especially when neighbouring local authorities have been unable to reach agreement about the need for or location of new housing. Therefore we recommend that the guidance being produced by practitioners on assembling an evidence base for housing be officially adopted by the Government. We also recommend that the Government commission groups of practitioners to produce similar, authoritative guidance on assessing needs for other types of infrastructure. (Paragraph 117)

22. Waiting until and relying upon the Planning Inspectorate’s judgement about ‘soundness’ seems to us an inadequate means of enforcing the duty to co-operate. We consider that the Government should set out an alternative means of ensuring that local authorities demonstrate successful outcomes from their co-operation. This alternative method should be informed by a report from the Planning Inspectorate on the existing degree of co-operation in development plans and, thereafter, by an annual report on the effectiveness of section 110 of the Localism Act in respect of development plans. (Paragraph 118)

23. Finally, it was clear to us that the absence of Local Plans was a contributory factor to the shortage of homes that have been built over many decades in England, and it is reasonable to expect that a requirement on local authorities to adopt Local Plans based on sound evidence of need will help facilitate an improvement to this situation. (Paragraph 119)

The transition to a new system

24. We recommend that the Government establish a timetable for a transition period in consultation with local government. We consider that clarity and reassurance are urgently needed by local authorities, communities and developers on the status of existing arrangements for development control during this transition. The Government has several choices on how to achieve this. (Paragraph 131)

25. We recommend that, in the interests of ensuring that authorities put in place Local Plans compliant with the NPPF expeditiously, a strictly limited period is allowed during which the presumption in favour of sustainable development is not applied in
cases of absent, silent or out-of-date plans until councils have had a realistic chance of putting such plans in place. (Paragraph 132)

26. We observe that the Government may wish to allow those authorities that have recently adopted or are at present in the process of adopting new plans a lighter touch path to examination and approval of those parts of their plans that require any amendment as a consequence of revisions to national policies introduced through the NPPF. (Paragraph 133)

27. We believe that if Local Plans are to be able to remain at the centre of decision making over a plan period, there needs to be a mechanism by which they can be kept up to date. This will help maximise certainty and minimise challenge. We recommend the adoption of a ‘light touch’ system of approval for changes to Local Plans to be used at the discretion of the Local Authority as they judge necessary. (Paragraph 134)

28. We further recommend that the Government consider as a matter of urgency whether the resources of the Planning Inspectorate are sufficient to prevent a bottleneck of unapproved plans building up, particularly given the scope for a short term increase in challenge to Development Control decisions. (Paragraph 135)

Development on brownfield land

29. We welcome the Government’s openness to reinstating the familiar and well-understood term ‘brownfield’ in the NPPF, whilst recognising that more sophistication is needed in its definition to avoid unintended consequences. There is a danger, nevertheless, that the removal of the brownfield target and the ‘brownfield first’ policy—in conjunction with the introduction of the presumption in favour of sustainable development and changes to requirements for allocating land for housing—will result over time in less importance being attached to the use of previously-developed land first where possible. This principle should be strongly stated in the NPPF, and reiterated by requiring local authorities to set their own targets for the use of brownfield land. This would allow for adaptation to particular circumstances and would in addition be a useful mechanism for local accountability. (Paragraph 143)

The supply of sites for housing

30. Asking local authorities to identify six years’ rather than five years’ worth of sites for housing carries an inevitable risk that the total supply will contain a greater proportion of greenfield sites, which developers will prefer. We recommend that it should be made explicit that local authorities which adopt a local target for the use of brownfield land can prioritise it within their six-year supply, which we urge the Government to confirm and clarify in the NPPF. (Paragraph 149)

31. We recommend that the Government allow windfall sites to be included alongside identified brownfield land where local authorities can demonstrate a track record of such sites coming forward for development, as this will achieve the aim of satisfying the need for land supply while minimising the need to allocate greenfield sites. The
Government should have more confidence in the continuing replenishment of brownfield sites as a source of land for new development. (Paragraph 150)

32. Some local authorities may, in good faith, be unable to identify six years’ worth of land supply appropriate for housing. We recommend that the Government clarify that unsustainable development will not be allowed to proceed as a result of appeals against local authorities which have not allocated the full six year supply. (Paragraph 151)

**Town Centre First**

33. The NPPF should reflect the existing Town Centre First policy by bringing offices back within its ambit, in a form that allows exceptions that make a specific contribution to rural sustainability. We recommend that application of the sequential test for development remains a requirement rather than a preference, and developments that fail the sequential test should be deemed unsustainable. We further recommend that the Government clarify the policy position on town centres with respect to arts, culture and tourism uses, to ensure that they are included in the Town Centre First policy. (Paragraph 157)

34. We recommend that the NPPF include a provision to allow communities, in certain exceptional circumstances, to adopt an absolute protection of a town centre from out-of-town retail development. (Paragraph 158)

**Further consultation**

35. We see a strong case for a short consultation to allow practitioners to make comments on the technical aspects of the revised NPPF. This would help avoid confusion at a later date. The Government should also consider carrying out a brief but wider consultation if it makes substantial changes to what might be reasonably regarded as key principles in the final NPPF. (Paragraph 164)
Formal Minutes

Wednesday 14 December 2011

Members present:

Mr Clive Betts, in the Chair

Heidi Alexander      David Heyes
Bob Blackman         George Hollingbery
Simon Danczuk        James Morris
Bill Esterson        Mark Pawsey
Stephen Gilberts     Heather Wheeler

Draft Report (The National Planning Policy Framework), proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 164 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Eighth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on 10 October 2011 and 9 November 2011).

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till Monday 19 December 2011 at 4.00pm]
Witnesses

Monday 10 October 2011

Dr Adam Marshall, Director of Policy and External Affairs, British Chambers of Commerce, Jessica Bauly, Head of Infrastructure, Confederation of British Industry and John Rhodes, Director, Quod Planning

Professor Paul Cheshire, Emeritus Professor of Economic Geography, London School of Economics and Political Science, Alex Morton, Senior Research Fellow, Policy Exchange and Dr Hugh Ellis, Chief Planner, Town and Country Planning Association

Monday 17 October 2011

John Slaughter, Director of External Affairs, Home Builders Federation, Ian Fletcher, Policy Director, British Property Federation and Simon Jenkins, Chairman and Ben Cowell, Assistant Director of External Policy, National Trust

Councillor Gary Porter, Leader, South Holland District Council, Local Government Association Stuart Hylton, Director of Strategic Planning and Transport Services, Berkshire Authority’s Joint Strategic Planning Unit, and Mike Holmes, Director, Planning and Transport Services, Bournemouth Borough Council, President, Planning Officers Society

Monday 24 October 2011

Robert Sullivan, Head of Corporate Affairs, The Football Association, Mhora Samuel, Director, The Theatres Trust, Tony Burton, Director, Civic Voice and Stephen Wright, Principal Lawyer (Planning), John Lewis Partnership

Emmalene Gottwald, Chief Planning Officer, WWF-UK, Stephen Joseph, Chief Executive, Campaign to Protect Rural England and Roger Harding, Head of Policy, Research and Public Affairs, Shelter

Wednesday 9 November 2011

Trudi Elliott CBE, Chief Executive and Richard Summers, President, Royal Town Planning Institute, Adrian Penfold, author of the Penfold Review of Non-Planning Consents and Nick Reeves OBE, Executive Director, Chartered Institution of Water and Environment Management

Rt Hon Greg Clark MP, Minister of State for Decentralisation and Cities, Department for Communities and Local Government
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# List of additional written evidence

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List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

NPPF 137 Camden Association of Street Properties

List of Reports from the Committee during the current Parliament

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Special Report
Beyond Decent Homes: government response to the Committee’s Fourth Report of Session 2009–10
HC 746

First Report
Local Authority Publications
HC 666 (HC 834)

Second Report
Abolition of Regional Spatial Strategies: a planning vacuum?
HC 517 (CM 8103)

Third Report
Localism
HC 547 (CM 8183)

Fourth Report
Audit and inspection of local authorities
HC 763

Fifth Report
Localisation issues in welfare reform
HC 1406

Sixth Report
Regeneration
HC 1014

Seventh Report
Pre-appointment hearing for the Government’s preferred nominee for Chair of the Homes and Communities Agency Regulation Committee
HC 1612
Oral evidence

Taken before the Communities and Local Government Committee

on Monday 10 October 2011

Members present:

Mr Clive Betts (Chair)

Heidi Alexander
Simon Danczuk
George Hollingbery

James Morris
Mark Pawsey
Heather Wheeler

Examination of Witnesses

Witnesses: Dr Adam Marshall, Director of Policy and External Affairs, British Chambers of Commerce, Jessica Bauly, Head of Infrastructure, Confederation of British Industry, and John Rhodes, Director, Quod Planning, gave evidence.

Chair: Before we invite the witnesses to begin answering questions, I ask Members to declare their interests for the public record.

Heather Wheeler: My husband is the leader of South Derbyshire District Council.

George Hollingbery: I am a shareholder in Thompson Sowerbutts, a very small-scale developer and restorer of out-of-use buildings in Stroud, Gloucestershire.

Simon Danczuk: My partner is a councillor in Rochdale who sits on the planning committee.

Q1 Chair: You are our first witnesses in this initial evidence session in our inquiry into the draft National Planning Policy Framework. All of you are most welcome. I say at the beginning that if all of you absolutely agree with what somebody else has said there is no need to repeat it. You cannot nod your agreement because that is very difficult to note in the records, but certainly indicate briefly your agreement.

Thank you for coming and for the written evidence you have given to us on a topic that has provided quite a bit of interesting press so far, to which no doubt some of you have already contributed.

One of the key issues that the Government have identified in indicating that the planning system is in need of reform is that economic growth needs to be increased and the planning system as constituted is an impediment to that. Can you give us some examples of why you think that is the case and how you think changes to the NPPF might remove it? For our records, as you answer the first question perhaps you would say who you are and the organisation you represent.

Jessica Bauly: I am Jessica Bauly, head of infrastructure at the CBI. The CBI represents the broad business voice of 240,000 businesses across the UK in all different sector sizes of the business community.

Our opening line would be that infrastructure investment is a key economic driver. During the summer we conducted a survey of 500 investors, users and providers of infrastructure both UK and internationally owned. The survey findings highlighted fresh evidence of how important infrastructure is to their investment decisions and that part of the UK’s infrastructure from the investors’ point of view was creaking and did not compare favourably internationally. Our conclusion is that investment in infrastructure is an absolutely key priority for rebuilding the UK economy. Of those surveyed, 98% responded that the planning system at the moment was a major barrier to growth. We think that the National Planning Policy Framework as drafted provides investor confidence to shift the planning system into one that is an enabler for growth and investment.

Dr Marshall: I am Adam Marshall, director of policy and external affairs for the British Chambers of Commerce. I want to talk about local planning and development control rather than just infrastructure.

For so many of our members those are the issues that rate very highly on their agenda as being a block on their growth and development. Very often, it is the story of a small-scale manufacturer trying to expand an export line, or a regional services provider who is unable to get planning permission for a new building.

That is where the frustrations lie. Our interest in the NPPF stems from that end of the spectrum first and foremost.

We decided to put our money where our mouth was earlier this summer and conducted a survey of members. Over 5,300 businesses responded to that survey. Looking back at your question on whether this is an impediment to growth, four things are particularly salient. The first is that there is some depressed or latent demand in the system: 11% of the companies answering that survey told us that they did not try to get planning permission because they thought it was too costly and difficult, and took the decision not to expand their companies. Second, they got conflicting advice from local authority: for relatively similar applications they received very different advice, which to me is good because that is where the frustrations lie. Our interest in the NPPF stems from that end of the spectrum first and foremost.
were overturning the experts, the local planners who had advised them, so there was a real issue for them in terms of knowing how their applications were progressing and whether something would change at the last minute. I think there is real evidence of frustration among many business people with the system as it currently stands.

**John Rhodes:** I am John Rhodes from Quod. I am a planning consultant. I was one of four members of the Practitioners Advisory Group on planning that helped prepare the draft document on behalf of the Minister. As a practising planning consultant, for a long time my perspective has been that planning has become more and more complicated. For instance, we now have nine volumes of the planning encyclopaedia containing planning guidance. Even for a full-time practitioner it is quite hard to keep up, whereas planning ought to be relatively straightforward. I think we all recognise good and bad planning when we see it. There are two consequences of the complexity. It is more and more costly to prepare a planning application; it takes longer, and in addition there are so many aspects to be met in a planning application that there is greater scope for legal challenge, which is becoming increasingly common.

If you are looking for hard evidence, probably the easiest thing to look at is house prices in the South East of England. We know that at the moment there are issues to do with the economy and mortgages, but if you look back over the past 20 years there is no doubt that the South East has presided over chronic under-provision of housing with a real cost not just to individuals but to the economy. There are many local authorities particularly in the South East that simply do not see it as their job to meet the housing requirements of their own communities, and planning is not sufficiently positive in that respect.

**Q2 Chair:** Dr Marshall, you might say that many of the small and medium-sized businesses who have problems with the current system do not submit planning applications because they want their developments on green space, which is so marked in the local plan and they are not likely to get permission, so why bother? But even if the NPPF is reduced from 1,300 to 50 pages, there will still be a local plan with all its supporting evidence on top of it. Those businesses will still have to go through a system where they look at the local plan and get advice from a consultant to help them. Most of them will never read the NPPF anyway or go anywhere near it, so how will changes of this kind in the document have any effect on them whatsoever?

**Dr Marshall:** A few members have said to me that they have already read the NPPF, which is a huge change from what John just referred to—that is, the nine volumes of planning guidance with which none of them had ever engaged. Our hope—it is a hope at this stage of the game—is that the NPPF will lead to greater transparency for businesses so that they can engage with the system in a way that is more on their terms. You are right that they will still have external help. Hopefully they will not face the same levels of cost and complexity that they do now, but I think they will be able to engage with the system on their own terms a little bit more easily.

On your point about whether they are frustrated simply because they are trying to build on a piece of greenfield land, when we did our survey work we asked that particular question. The thing that came up most was extensions to existing premises or new build on land they already owned that was not in any way designated. Those were the frustrations that we decided to present, because they would be the areas where you would think they would be able to secure permission for development.

**Q3 Chair:** John Rhodes, it struck me in what you said about the South of England that you were advocating a return to the Regional Spatial Strategies, where local authorities are given targets that they have to meet, not the brave new world where any local authority can decide what it wants to build in its area and then maybe we don’t see quite so many houses built as in the past. Is that a fair point?

**John Rhodes:** That is an interesting take on what the NPPF says.

**Q4 Chair:** I was commenting on what you said. **John Rhodes:** I am sorry if I misled you. The NPPF is not just a condensation of policy into 50 pages; it has some important characteristics, one of which is an expectation that development requirements are, first, understood and, second, met where they can be, up to the point where they cause adverse harm. That is not saying to a local community that the RSS will tell it how many houses it has to build but that it has to work out how many houses it must build for its community, and it is expected to meet that requirement for both housing and employment, or whatever it might be, up to the point where adverse effects outweigh the benefit of doing so. But it contains a presumption which expects planning authorities to plan positively to meet development requirements. It may not sound that radical, but that is not actually a requirement of the current planning system.

**Q5 Chair:** Finally, isn’t the planning system the system that everyone wants to kick as an easy solution to getting economic growth? Compared with the present problems of credit for businesses and households, surely that is one of the big issues in lack of growth. There is plenty of land out there with planning permission or designated for planning permission to be applied for. Isn’t that the real position?

**Dr Marshall:** Possibly in terms of house building, but not necessarily in terms of the business extensions I was referring to earlier. One thing John said is very important. I think businesses want the system to get back to a positive role. They feel that the original purpose of the 1947 Act is no longer at the heart of things, they feel the system as it stands now is not about planning positively for where things should go and where development should be allowed, but rather it has become a tool to object, or for the culture of no, as I like to call it, to rear its ugly head.
Jessica Bauly: To follow on from that, which I agree with, explicitly on house building we understand that at the moment there might be plots next year for 200,000 homes. Actual demand will require that amount every year for the next 10 years. That is one example of the pressing infrastructure needs for the UK. The same goes for transport needs and the ability to deliver the low-carbon economy and renew all the energy infrastructure over the coming years. We like the draft NPPF because it encourages the handing down of powers from national to local level. We would like to have a planning system that also includes handing over the responsibilities to take what might be quite tough decisions on meeting national needs to that local level.

John Rhodes: As to whether or not there is enough house building at the moment, we have to be very careful not to take a very short-term view. The economy is in a particularly difficult position at the moment and mortgage availability is difficult, but I don’t think any commentator would suggest, if you look back over the past 10 or 15 years, or look forward to what we hope will at least be a stable economy if not a recovered one, that there is not clear evidence of housing shortage over a prolonged period of time.

Q6 James Morris: Mr Rhodes, intuitively reducing the number of pages of the planning guidance or framework sounds a good idea in principle. Do you see any potential danger, in that by reducing it to a 50-page document it becomes subject to a lot of subjective controversy about meaning and definition of terms, which could lead to legal challenge and so on and so forth?

John Rhodes: We were very conscious of that when we were trying to prepare the draft document. As we read the PPGs and PPSs again in this light, we found they were immensely repetitive, and they tend to tell you things that you know already without telling you what you really do want to know. For instance, PPG13, which is transport guidance, is a great document in many ways. I forget how many scores of pages it is, but you can read it without knowing whether or not you should grant planning consent on transport grounds. It tells you everything you want to know about transport without necessarily helping you with decision making. I agree there can be that danger—the words have to be very carefully written and the guidance should not say more than it needs to say. The words have to be carefully crafted and contain the important protections for the environment that certainly everybody on our group wanted to see, but also provide help with decision making, rather than just a discussion about the topic.

Q7 Heidi Alexander: I have two very quick questions, one for Mr Rhodes and one for Dr Marshall. Mr Rhodes, you talked about the planning system being a brake on housing development in the South East of England. In London 170,000 homes have been given planning permission but have not started to be built, so is it not more about the availability of developer and mortgage finance than the planning system? Dr Marshall, you spoke of some of your members not putting in planning applications because they feared they would be refused. You referred to 54% of respondents to your survey saying they were concerned about politicisation and inconsistency. Isn’t it more about getting private companies and small and medium-sized enterprises to work better with local authorities and their planning departments so they understand the process better, as opposed to this complete change of the planning policy framework moving to the NPPF?

John Rhodes: In the short term, I agree that it is more about mortgage availability than planning, but we are not talking about a short-term planning policy framework but something that should endure. You can look back through the last one, two or three economic cycles and identify a chronic under-provision of housing; otherwise, why do we have unaffordable housing? Why is there so much need for affordable housing and homelessness? We have not built enough houses where people want to live. You may be right in the very short time, but for a framework that is meant to endure, and also help the country recover from the current economic situation, you need a positive framework. All these authorities identify and try to meet the requirements of their communities, which seems to me ought to be the fundamental basis of any sound planning system. One of the things in relation to business is the other way round as well. What we have tried to say in the NPPF is that, instead of relying on complex forecasting to look at employment requirements, why not talk to business and planning authorities? You are right; both sides need to come together, but it needs to be a practicable and workable framework.

Dr Marshall: That is a good start for my response. I think there is a lot of positivity among businesses in terms of working with planning officers and their local authorities where possible. They tell us that they are keen to do so. When we did this survey we also asked questions about pre-application advice and the quality of advice given. There was a level of positivity among businesses about what they were hearing at pre-application stage and when they could get that engagement. But bits of what John said also concern me. Three-quarters of applicants said they had never been consulted by local authorities about their experience in using the system. It is very definitely a two-way street. If 75% of business applicants tell us they are not getting a survey or telephone call from a local authority to ask, “How was the system for you? How can we work better together?”, I think we have a brake and a problem that leads to undermining of confidence among many companies that otherwise might have started to engage with the process.

Q8 George Hollingbery: I am getting slightly lost here. I am struggling to understand whether your objection to the current system, particularly those representing business here today, is about the process or principles. It seems that most of what we have heard is about process. I would like to develop that theme a little further. I ask you to address whether it is about scale as well. Lots of the evidence where it isn’t working seems to come from smaller business. My experience as a councillor and Member of
Parliament is that bigger applications tend to get through and dealt with. They might happen slowly, but they tend to get there in the end. Is it about scale? Why will the NPPF help? It seems to me it stresses principle rather than process. If that is the case, why do you welcome it?

**Dr Marshall:** I think it is a bit of both principle and process. The NPPF simplifies some of the principles and encourages us all radically to simplify the process, which is definitely businesses’ biggest bugbear. Planning and development control processes, especially around the time it takes to process an application, is of particular interest to smaller businesses, but there are some things on principle. A lot of them have said to me they welcome the notion that you can plan for places, prosperity and people in the same document but in a way that is legible to them. They see the NPPF not as a massive change of principles but something that consolidates, and in some cases simplifies, those principles. For many businesses this will probably be a marginal improvement on processes and principles that have existed up until now but they still see it positively. The important thing is that more confidence will result. If businesses can start to engage positively in both principles and process, you will start to see more applications coming through, especially from those I talked about in my previous answer as representing latent or depressed demand.

**Jessica Bauly:** I would agree that it is a mixture of both process and policy. An example of the policy is just the sheer number. We have over 1,000 pages of guidance as of now being cut down to 60-odd pages, which makes it a much simpler process overall. As to scale, the NPPF as drafted helps to drive forward the existing plan-led system, which we very much support. It is a system that is much more strategic and is to be taken forward at local level, but it incentivises and encourages a positive approach to planning that does not look at infrastructure in isolation but works for businesses and across local boundaries, for example through the duty to co-operate with other local authorities. That is better for the local communities who know their localities best to have a say in the development that takes place round them over a number of years, and it also gives more certainty for the investor community.

**John Rhodes:** I completely agree that it is principles as well as process. One of the things that the advisory group did fairly early in its existence was to write to the Minister—it is on our website—suggesting that process as well as policy needed to be looked at, so you can change policy but you will achieve only so much. The planning system is bogged down by a great deal of guidance that tends to suffer from the same problem; it is very repetitive. For instance, we looked at PPS12, which is about preparing plans. It is a pretty good document, but the guidance that sits behind it is the reason why seven years after the 2004 Act we still do not have a network of up-to-date plans across the country. The planning system is too slow. Therefore, in addition to policy you need to look at process and also engage with the very important third limb of money, for instance getting CIL to work properly. You can start to see an accessible, positive planning system that people can understand with a process that is not longer than it needs to be and generates real local benefits. Then you can really start to see something that can work very locally but which is also positive in driving outcomes.

Therefore, the NPPF is not just about condensing policy; it is also about reminding planning that it is about being positive. It exists not as an industry in itself but to deliver the homes, communities, places and environment we want to see. One of the things it says is, “When you are preparing your plans, presume that you will meet your needs. If you are considering an application and you cannot decide whether it is good or bad, it is probably a development that ought to be allowed, particularly in this economic climate.”

**Q9 George Hollingbery:** Dr Marshall, can you quantify in percentage terms as best you can where your members’ objections sit in relation to process versus principle?

**Dr Marshall:** It is always a dangerous thing to ask. I would say it was probably 60% process and 40% principle.

**Q10 Mark Pawsey:** Dr Marshall, you introduced the three pillars of place, prosperity and people. The NPPF brings in those as economic, social and environmental aspects of sustainable development. I know we will go on to talk a lot about what is sustainable development, but we heard a lot from you about the economic aspects and the need to get the economy moving. That is an issue right now, but the NPPF is intended to last for a much longer period than the economic position in which we find ourselves right now. In your view, does the content of the NPPF have sufficient regard to the other two issues, namely the environmental and social aspects? You are very concerned about the economy, but what about the other bits?

**Dr Marshall:** I am very concerned about the other bits, because if I look at chambers of commerce up and down the country they are hugely involved in the local economy, local wellbeing and the preservation of the local environment in many cases. Therefore, there is a great degree of concern about all three among our members and chambers. When I look at the NPPF and the three elements, prosperity comes first in terms of the ordering, but I do not think that it is to the detriment of the other two, quite frankly. When you look at the section on planning for places, for example, you see the extraordinary safeguards that are built into the British system partly as a result of domestic law and partly as a result of European law. Those are things that are not going to change, whether it is greenbelt designation, which we know will not be affected by this, or European directives on birds and habitats, the SEA directive, etc. All of these requirements are in place to make sure you have regard to the local environment no matter what happens as part of this process. The other thing that is not affected remotely by the NPPF is the involvement of statutory consultees. There are many statutory consultees on both the social and the environmental sides of planning, all of whom will express an opinion about the viability or...
rightfulness of a particular application. Their role is not affected either. Therefore, you see a partial consolidation of what is a strict system. When I see objections to the NPPF that would characterise it as bringing us close to the planning regimes in countries like Spain, Ireland and Greece, or suggest that we are about to turn into Los Angeles tomorrow, I find that very difficult to believe.

Q11 Mark Pawsey: Perhaps I may ask the views of the other two witnesses.
Jessica Bauly: I would absolutely concur with Adam Marshall’s comment. We like the draft NPPF precisely because it provides certainty that development for infrastructure will go ahead as long as environmental and social considerations are fully taken into account. It states very clearly that, for example, environmental protection must continue, and ultimately it places those decisions in terms of the balancing of those three pillars at local level while providing a helpful framework to help guide those decisions.

John Rhodes: For me, one of the key reasons I was so keen to be invited to address you was this point, because the debate nationally has tended to polarise the NPPF between concrete mixer and greenbelt. Neither of us who were involved in the work of the advisory group saw himself as being at either end of that extreme. We all wanted to achieve a positive planning system that created real benefit all round. One of the things that enabled a group of four very different people to arrive at a consensus on a document was recognition that the right development could enhance the environment and you could use development to enhance the environment.

They are not just protections. It is important to understand the way the document works. It seeks to achieve an enhancement of the environment as well as meet development needs. Therefore, at its very base is a presumption. The words that you do not see on the front page of The Daily Telegraph are those you see in that bit of paragraph 14, which says “unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits”. Therefore, if you can show that the adverse effects of development outweigh the benefits, planning consent is refused, even without a local plan. Once you have a local plan you can put in place whatever policies you want to reinforce that, if you need to, but the presumption is not one to be afraid of if you are a planning authority.

Throughout the document there is an expectation of high-quality design; to take the least environmentally sensitive land first; and to mitigate and compensate for environmental impacts is a requirement of the document. The NPPF takes environmental policy further than existing policy because for the first time it requires planning authorities to plan positively to enhance the environment and use the proceeds of development to do that. We wanted it to be seen, and I think it can be seen, as an integrated document to achieve multiple wins.

Q12 Mark Pawsey: Given the substantial protections that still exist and the massive need for economic growth, is there a case for saying that the NPPF does not go far enough? Perhaps you would like to take out the word “sustainable” and get more growth into the economy because we face very dire economic times.

Dr Marshall: I agree with John that we need to take a long-term view on this. The NPPF needs to be ready to plan not just for the next five years but, hopefully, the next 50, because one thing businesses value over and above everything else is a level of certainty and stability in the policy system. If this document, with whatever amendments are made to it, is in place for a significant period of time you will see an increase in confidence, business investment and engagement with the system. I would not like to see any one of the three pillars somehow discarded, because then we will not ultimately have the places that will last us for 50 years, or enable us to have the kind of economic growth we all want to see.

Q13 Mark Pawsey: But you would say there might be a case for some special measures currently in order to get the economy moving again?

Dr Marshall: If you have time for a very long list I can tell you about lots of special measures we would like for the economy. The planning system is one of many, and in this particular case it is getting the NPPF into policy and getting a positive notion back into the planning system, i.e. that development is a good thing to be nurtured and guided, not something to be opposed.

Q14 Mark Pawsey: Does the word “sustainable” mean that the right kind of development as far as each of you is concerned will now come forward and happen?

John Rhodes: I don’t think the planning system can do anything about making development happen. It can help but development happens only when it is viable for it to do so. That is always more a function of the economy than planning policy. It means that it may be easier for development to take place where there is a demand for it. There is almost a perfect correlation between where development wants to happen and where planning does not want it to happen. What this suggests is that those authorities that are the beneficiaries of demand for development really ought to try to meet that demand. Development priorities can be in an environmentally responsible way, subject to the safeguards I have identified. It should help to stimulate growth together with a package of other measures.

Jessica Bauly: I would concur with the comments of both of my fellow witnesses. In particular, one must not forget that the development that hopefully will come about as a result of a more positive planning system will help drive the economy but also meet the environmental needs of the low-carbon economy we are looking for.

Dr Marshall: The definition of sustainability is an issue of great concern to many who are involved in this particular debate. One thing that I like about the draft NPPF is that it says to the local area, “It is up to you to judge sustainability in this particular context and ensure that this meets economic, environmental and social requirements.” Planning has always been an art, not a science. Over the years there has been a
mistake on the part of those who have considered it to be more of a science, who have said you can create a policy or piece of guidance to cover absolutely every eventuality. At the end of the day, there are some subjective decisions involved, which are often tested through the legal system. That will continue in future. With the sustainable development concept as set out in the NPPF the onus is on local authorities, working with applicants, to try to ensure that developments are sustainable. I think that it is a more positive way forward.

Q15 Chair: I pick up one phrase Mr Rhodes used as an author, one step removed, of the document. He said “significantly and demonstrably outweigh the benefits”. Can you define what that means? In practice, does it mean that if the disbenefits are greater than the benefits of a particular application, but they don’t “significantly and demonstrably outweigh” the benefits, then the development goes ahead, even though the disbenefits are greater?

John Rhodes: It is a good question. We had some slightly different words in the draft that we put to Government, but I am not unhappy with these words. In a sense, you might be forgiven for thinking that there is a lot of fuss—not about nothing because this is very important—but this is roughly how the planning system works at the moment, in that you weigh up the benefits and the disbenefits and come to a balanced judgment. What this is saying is that, if you can show the adverse effects outweigh the benefits, you can refuse planning permission, or you don’t need to allocate land to meet requirements in a local plan. People are concerned about the words.

Q16 Chair: But it doesn’t say that if they outweigh the benefits you don’t give permission. It says, “significantly and demonstrably outweigh”, which rebalances the system, doesn’t it?

John Rhodes: I wasn’t trying to escape that at all. If you can demonstrate an adverse effect that is not significant—I don’t think the word “significant” can be objected to, because if it is not significant it is insignificant—why would it stop development happening? It seems to me that those words ought not to be controversial.

Q17 Chair: Ought they to be there?

John Rhodes: I think they need to be there, because the way in which the NPPF and planning have to work is that you can presume in favour of development, but nobody wants you to presume in favour of all development. You need to identify at what point that presumption comes up against an objection that would prevent that development happening. What is unacceptable development and how do you define it in national policy terms? That is at the heart of the NPPF and the intellectual process that we had to go through, and it is at the heart of preparing local plans. For instance, in the South East local plans will not be able to meet all of their development requirements, but at what point do they stop? If you accept there is a benefit in meeting development—put that way, many people do not—and ask whether there is a benefit in meeting the requirements of a community for schools, infrastructure, housing, your children’s housing and those sorts of things, people say, “Yes, of course,” but at what point do you say you cannot meet them all because there is an adverse effect which outweighs the benefit of doing that? All that seeks to say is: at what point do you say you do not meet development requirements? When you want to be informed as to what that means, you look at the rest of the document and it tells you what is important in terms of sustainability, protecting green spaces or seeking to distil the environment, and you can use the rest of the document to identify what adverse effects might be important in outweighing the benefit of development.

Q18 Heidi Alexander: As to the three words “significantly and demonstrably”. I think you suggested what it means and it will have to settle down. If we wrote the legislation it would be interesting if you could tell us what your wording was. Equally, would you agree with me that those words in the document amount to a blank cheque for planning lawyers in terms of appeals going forward? In the Committee today we have struggled to articulate what that actually means. I just see planning lawyers fighting over those three words going forward.

John Rhodes: I suspect that any reform of the planning system will engage planning lawyers. This might be the least lucrative for planning lawyers because there is less to argue about. It is not a particularly complex document and it seeks to distil the planning test down to something that everybody can understand. Therefore, what it is really saying is that development ought to go ahead unless it is harmful. I don’t think it is a blank cheque either for developers or planning lawyers. Inevitably, if you change the planning system there will be debates about what those words mean. It will be interesting to see how it operates in practice, but the simple tool everybody can understand is that, if there are real and significant adverse effects that you can identify, you are not the victim of the developer. You can readily refuse planning consent, even if you don’t have a local plan.

One of the things that I think the public debate has missed recently is the importance of the local plan to this process. If there was one change between the advisory group draft and the Government’s draft that I do regret it is that I don’t think the latter is as clear as it might be on the role of the local plan. Therefore, the local plan is law. Section 38(6) of the 2004 Act tells you that if you are contrary to the plan you should normally be refused planning permission. This does not change that at all. Once a plan is up to date and prepared then local authorities can refuse planning permission. The debate has been about whether they are nakied until they have a local plan. The answer is absolutely not, because the NPPF is perfectly capable of operating as their local plan until they have their local plan in place, because it says, yes, they should try to meet developments requirements, and yes, there is a presumption in favour of development, but only if its adverse effects do not outweigh its benefits. It seems to me that, although as you say lawyers may
get excited about it, it is almost the simplest way of expressing what is at the heart of planning. Dr Marshall: Probably lawyers get most excited about the nine volumes of existing planning guidance that they are dealing with at the moment. On John’s point about the local plan, which I quite agree with, there has never been a better way to get local plans up to date and more authorities to consolidate their local plans than to say to them that, in the absence of a local plan, a slightly different regime will apply. I would foresee an enormous number of local authorities coming forward with finalised local plans much more quickly and thereby addressing some of the serious frustrations businesses have expressed over the years, in some cases waiting eight years before the plans were forthcoming.

Q20 James Morris: This debate has been characterised by quite a lot of bizarreness in a way. I sat on the Localism Bill. We had representatives from the business community who told me that the planning reforms in the Localism Bill were a charter for nimbysim and there would never be any development. We now have the NPPF and the same group welcome the new NPPF, and those in favour of quite a lot of the reforms in the Localism Bill are now screaming blue murder in the press about the fact that we will be concreting over the green belt. I am a little confused about where we have got to in this discussion. Mr Rhodes, do you think that some of the fears being articulated by English Heritage and other groups have any grounds in reality, or is this just a debate that has become horrendously polarised for political purposes?

John Rhodes: I don’t know the reasons, but the debate has become a little extreme in my view. A lot of the debate in the press or even on platforms where people speak does not seem to be based on an actual reading of what the document really says. People like to assume it says something that supports their point of view, but a lot of time and effort was taken to try to create a balanced system and a planning framework that genuinely produced what I call win-wins. For instance, there is clear protection for environmental and historic building and historic heritage assets within the document, which I don’t think English Heritage or others need to be concerned about. It is good to have this sort of session where you can examine what the document really says and focus on the issues.

Q21 James Morris: Do you think the NPPF represents a development of Government policy beyond the discussions around planning in the Localism Bill, or is it a shift in Government policy?

John Rhodes: I think it is a little bit of both. It would be interesting to talk about localism and how it works, but it contains within it a positive plan for development, which you may or may not think is what localism is about, depending on how you view it. A number of people would say, “Why would local communities not want to meet the requirements of their community?” which is all the document asks them to do. If you express it in terms of schools, jobs and homes for your children, that is all it seeks to do. You genuinely identify what those requirements are and try to meet them, but then locally you have no RSS telling you what to do; you do not have nine volumes of planning to wade through. You can say to yourself, “I understand planning now; I can create a plan for my community,” and if you combine it with CIL and other financial incentives you can say, “What my town really needs is this. How am I going to pay for it? The only way I can pay for it is probably to support development, but that development planned in the right way will help my community.” I think it begins to provide a manual for communities to start planning positively for themselves.

Q22 James Morris: Dr Marshall, do you think the extent to which the business community has leapt on the NPPF in such positive terms could arouse suspicions among other interest groups that this represents a shift in Government policy rather than building on what was in the Localism Bill?

Dr Marshall: I think there was a clear objective in Government policy from the beginning to make the planning process more positive and less obstructionist for good and, dare I say, sustainable development. There were elements in the early drafts of the Localism Bill, and in later amendments proposed for that Bill, which caused business significant concern. I shall name three. One was the over-extensive use of referenda with regard to individual planning applications, which would be a licence to say no to just about everything; one was proposals initially floated for a third-party right of appeal, which would basically have turned anyone into an interested party; and the third was about neighbourhood planning, until it was clarified that neighbourhood planning was about planning positively and adding to what was in the local plan rather than refusing development. That was a concern. It is very possible to be in favour of broad reform of the system while saying that some elements that are coming forward in a legislative agenda might not sit well with that.

Q23 George Hollingbery: There has been quite a lot of comment about the definition of sustainable development, which we have touched on a little. I think Dr Marshall said he liked the rather amorphous view of it. For example, today we are getting the evidence from the TCPA who strongly recommend that the definition of sustainable development in the NPPF accurately reflects the Government’s own 2005 UK sustainable development strategy. Why would the NPPF leave the definition so amorphous, open to interpretation and challengeable?

John Rhodes: Obviously this was something we wrestled with as a group. Everybody has a different view of sustainability. It is possible I could give you any case study for a development proposal and we could all disagree about whether or not it was sustainable. Trying to identify what sustainability really means is almost the holy grail. While I think there is some good and mature text about sustainability within the document, it was not our intention to change the definition of sustainability. That is not the purpose of the document at all. The purpose of the document is to say: what does it mean when you try to apply it in a planning sense? There
are very good definitions of sustainability out there that the NPPF does not have to touch. What it has to do is ask: how does the planning system operate in order to achieve sustainability? Interestingly, what it does not do is force every development to prove its sustainability. That may be controversial to some, but when you think about the practical implications of expecting a development to prove its sustainability when it is such an amorphous, difficult concept, you would end up with a much slower and more difficult planning system. It has to work the other way round, which is to say that the country needs development and it should be allowed unless it infringes principles of sustainability. It sets down what is important and what adverse effects might be, so you can deduce that a development that falls foul of those tests is not sustainable.

**Dr Marshall:** I like the fact that local communities will be able to determine for themselves to a certain extent what constitutes “sustainable”. I have spent a lot of time in chambers of commerce around the country. When you go to many authorities in the North of England, for example, which have long taken a very positive approach to planning, for them sustainability at the end of the day is about jobs and economic activity. Many years ago one council leader said to me that the best thing in the world that could happen to him was that a B&Q shed should open on a piece of contaminated brownfield land, because it creates jobs and economic activity in the area. Southern local authority representatives have said to me, “The worst thing that could happen to me is the opening of a B&Q shed in this area, because it will create enormous amounts of traffic, pressure on local infrastructure, etc.” Those two individuals’ definitions of sustainability and their areas’ definitions of sustainability will be quite different, so the fact that we now have the possibility, with safeguards in place, to make that determination at local level is I think a positive thing.

**Q24 George Hollingbery:** So, this is a business charter. A nice amorphous definition means you can justify almost anything, which is great for business.

**Jessica Bauly:** I absolutely agree with comments made so far. Particularly in line with the localism agenda and how it has been developing to date, it makes sense for the definition of sustainable development and the ins and outs of it to be dealt with at local level. The reason we like the draft NPPF is that it provides a very clear and succinct set of guidance. It will be the only policy guidance available to help guide those local decisions.

**Q25 George Hollingbery:** I take Mr Rhodes back to 1.17 of his evidence about the tension between section 38(6) of the 2004 Act and the local plan. Clearly, we have that tension between sustainable development and the definition of it and what is provided for in the local plan. The bit that really worries me is that, if you are a very large business with enormous corporate resources and you can hire some very expensive consultants and lawyers, you can create a new evidence base very quickly that will feed into what looks like an up-to-date local plan and show that it is not. You say that section 38(6), therefore, remains the law. The NPPF clearly will be a very important policy, but the law will still require planning decisions to start with the local plan where the local plan is up to date. But what does “up to date” mean in the context of sustainability? Will businesses be able to go out there and, through the use of very expensive consultants, show that their suggested out-of-plan development is more in keeping with sustainable development, and therefore should be allowed, than what is in the local plan?

**John Rhodes:** Maybe they will try, but you are describing the way the planning system works at the moment. Because it is so complex and there is so much of it, it is those with the resources who have better access to it. This tries to make the planning process easier to understand.

**Q26 George Hollingbery:** To stop you there. I accept that is the case. We have all dealt with it. Why does what is suggested in the NPPF signal the end of those days? Why is the change positive in this regard?

**John Rhodes:** Because there is less of it to bamboozle people with; it is a more accessible document, written in plain English. Planning should not be difficult. Anybody should be able to engage in the debate about whether development is good or bad. You will have developers with their own commercial interests trying to use the system to their advantage. That happens in any walk of commercial life, but this system makes it easy for everybody to understand the right approach to development and the important things that development should not do. It identifies the harm that development should not cause in a way that is easy to understand.

**Q27 George Hollingbery:** I am just worried about the tension between a big corporate interest being able to demonstrate its version of sustainability versus that in the local plan that has been widely inspected and thought about a lot locally, and one trumping the other, when what we are looking for is a locally driven plan that accords with the principles of sustainability.

**John Rhodes:** This document does what it can to maintain local plans at the absolute heart of the planning system. The group could have said you don’t need local plans, but they are and must be at the heart of the planning system. The law will always be more important than the policy. It encourages as strongly as it can the preparation of clear local plans with real planning system. The law will always be more important than the policy. It encourages as strongly as it can the preparation of clear local plans with real strategy that is bespoke to the local area to meet requirements in the most environmentally responsible way that it can. Developers will be able to make their case, but there is nothing in which makes it any easier for a developer to ride roughshod over a local community; rather the reverse.

**Q28 Chair:** Why isn’t there wording in the document that says there is a presumption in favour of sustainable development consistent with the local plan? Wouldn’t those words help to clarify the situation?

**John Rhodes:** It virtually does say that.
Q29 Chair: By virtually saying that it actually doesn’t say it, does it?
John Rhodes: No, it doesn’t say that, because there isn’t always a local plan in place. At the moment less than half the country is covered by plans, despite the fact that seven years have elapsed.

Q30 Chair: That would be the default position, but it would strengthen those authorities that had a local plan wouldn’t it, which is the point you have just been arguing?
John Rhodes: I don’t resist what you are saying; it is just not necessary, because the policies of the local plan are more important than the policies of this document. Once the local plan is prepared and is up to date with the NPPF it has the law on its side. If you wished, the NPPF could be strengthened to reinforce that, but it does not need to because the local plan has the legal basis behind it; it is at the heart of the planning system.

Q31 Simon Danczuk: Perhaps I could have a quick yes or no answer to this question; do you really think that this document will significantly boost economic growth in England?
Jessica Bauly: Yes, in the longer term.
Dr Marshall: I hope so.
John Rhodes: Not by itself, but it should help.
Jessica Bauly: As an enabler rather than a barrier.
Dr Marshall: We have to be careful not to oversell single changes to the system. We have changes going on in terms of regulation and other mechanisms to boost the economy. They need to be seen together. A better planning system that gives businesses more confidence will certainly help.

Q32 Simon Danczuk: Consider the scenario where a local authority is already making significant cuts imposed on it by central Government; it is getting rid of planning officers; it is a very poor area; people are not very articulate; they don’t have much cash to throw around. Contrast that with a local authority area that is not making cuts imposed by central Government and the local residents have quite a lot of money and are very articulate. What will be the difference in applying this document to those two areas? As it currently stands, in terms of guidance, does it really throw them. We don’t want to see a situation where local authorities don’t have planners any more, or don’t have the ability to engage with businesses positively on this. That is a concern.

Q33 Simon Danczuk: In terms of reading it and things?
Dr Marshall: As a citizen I have been engaged with it and have asked myself some intelligent questions about how it applies to particular circumstances in which I find myself. As a local business person it is the same thing. I might find myself more able to engage than I was before. I can sympathise entirely with the point about loss of planners and planning expertise in a number of local authorities. I would not want our evidence in favour of planning reform to be misconstrued as somehow being anti-planner or anti-plan-led system. It is good to have a plan-led system. Planners are seen by a lot of business people as being a help in this process, and yet there are certain elements of the bureaucracy, process, and so on that really throw them. We don’t want to see a situation where local authorities don’t have planners any more, or don’t have the ability to engage with businesses positively on this. That is a concern.

Q34 Simon Danczuk: Generally, people in poorer areas are invigorated by this? They are going to be better represented, and it will be easier to stop development?
John Rhodes: I hope so, because it is written in plain English. If people are less articulate than others they should have more access to this planning system than the current one, which is obscure to most people.

Q35 Simon Danczuk: A final quick question to you, Adam. A lot of your members are independent retailers in town centres. They will be happy with this than with what is currently in place, will they?
Dr Marshall: We have a lot of members who are in town centres; some are retailers and some are services businesses and so on. I think they will be happier with this because they will see greater clarity. A lot of them will say to us that they hope Town Centre First remains part of the process. I have been assured by the Department that the principle of Town Centre First remains part of this process.

Q36 Chair: Do you favour, therefore, taking the sequential test away from this development?
Dr Marshall: I will write to you on that.
John Rhodes: It is very clearly Town Centre First but, as you say, not for office development. What it really says to a local community is, if you want to plan your town centre to be as attractive to office investment as you can, that is great—you are positively encouraged to plan your town centre—but if you have an office investment that does not want to go to a town centre in this economic climate, are we really going to turn it away when it meets other planning tests? It does not mean it can go wherever it wants to—it has to be on the right land use allocation; it has to be sustainable and its design has to be appropriate, and everything else—but are we really going to say we can afford to turn away office development? I don’t think so.
Chair: It might be a case of not increasing economic growth but displacing it, but we will come to that in due course.

Q37 Heather Wheeler: That leads me very nicely to the area in which I am interested: the spatial strategy, having got rid of it or whatever. Do you think there ought to be perhaps a spatial dimension so that it can help to promote growth? You can say no if you like; I just chuck it out to get the debate going.
Dr Marshall: To be honest, no, for the reason that, if the NPPF is designed so that more things can be done locally, injecting some sort of top-down spatial element might go against that. Our concern would be
that we end up possibly with a German-style system, where you have a hierarchy of development principles across geographic areas and it is the centralist position that predominates. That would constrain local decision making much more than just about anything else.

Jessica Bauly: We would agree that would obviously go against the localism agenda, and therefore it is right that at local level there is encouragement to think spatially bottom-up.

John Rhodes: I confess that I was not a particular fan of regional planning. My perspective of it was that it seemed to generate a huge amount of documents, take a great deal of time and achieve not very much. Obviously, co-operation between authorities is extremely important. The document deliberately has within it an encouragement, not directive, for authorities to work together to plan their area. It does not tell them how to do it, but says that you are unlikely to get your plan adopted unless you have demonstrated that you have worked with your neighbours. Therefore, if there needs to be a stick that is it, but it hopes and expects, and for that reason will effectively require, authorities to co-operate in areas of mutual interest.

Dr Marshall: The Greater Manchester plan being a very good example of that.

Q38 Chair: Jessica made a point at the very beginning about the importance of infrastructure to your members, and I am sure to other businesses as well. Some concern has been expressed about infrastructure that goes beyond an individual local authority area. We don’t have the Regional Spatial Strategies; indeed, I think the CBI minerals division has already put in some information about its concern over this. Sitting alongside the other changes, with the duty to co-operate, is there sufficient direction now in the planning system to ensure that those infrastructure issues—housing, energy, waste management, minerals—are really catered for, to ensure that we get the sort of development that is needed to make growth happen?

Jessica Bauly: We think that the draft NPPF, as currently drafted, would provide a critical piece of the jigsaw in the planning system, to answer that very issue. Together with the duty to co-operate which we are informing on via the Localism Bill, the middle tier of planning will be catered for and encouraged, be it for minerals, waste, water or transport.

Q39 Chair: So, is the NPPF together with the duty to co-operate as it currently stands sufficient, or do you want to see changes to improve the situation?

Jessica Bauly: There might be a few tweaks which we will be informing you on in writing, but in principle, as the draft is currently drafted, we see it as a positive start.

Q40 Chair: It would be helpful if you could come back to us on the tweaks in writing.

Jessica Bauly: Yes.1

Dr Marshall: I disagree with that ever so slightly. I have some sympathy with those who say that planning that goes above local authority level but below national level can get lost. Our hope is that Local Enterprise Partnerships will be able to play a more specific role in planning for transport infrastructure that crosses local authority or area boundaries. I am somewhat encouraged by some work that the Department for Transport is currently doing to look at ways to enable that and ensure that transport funding, for example, follows sensible geographic areas so you can effectively plan for those projects.

John Rhodes: I was never convinced that RSS was a good idea. It is what you are talking about. What has always been more successful are informal groupings of authorities around areas of mutual interest. Working parties of joint authorities forming a natural area to talk about waste or energy have often been more successful. There is a sting in the tail of the NPPF that says if you don’t do it you won’t get your plan adopted. I won’t think you would need to invoke that very often because planning authorities naturally do want to plan what is required for their areas, including cross-boundary stuff. They do it very well.

Chair: Thank you all very much for coming to give evidence to us. It is appreciated.

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**Examination of Witnesses**

**Witnesses:** Paul Cheshire, Emeritus Professor of Economic Geography, London School of Economics and Political Science, Dr Hugh Ellis, Chief Planner, Town and Country Planning Association, and Alex Morton, Senior Research Fellow, Policy Exchange, gave evidence.

Q41 Chair: Good afternoon to all of you. Perhaps for the sake of our records you would begin by introducing yourselves and saying who you are.

Paul Cheshire: I am Paul Cheshire from the London School of Economics. I am an economic geographer/urban economist, and I have been researching the economic impacts of land use planning since 1981.

Dr Ellis: I am Dr Hugh Ellis, chief planner at the Town and Country Planning Association.

Alex Morton: I am Alex Morton, a Senior Research Fellow at Policy Exchange, which has taken on the issue of housing and planning since about 2005.

Q42 Chair: Thank you all for coming to our second evidence session this afternoon. As I say to all our witnesses, if you agree with what has been said by another witness, you need not repeat it; you can just say you agree. Given the evidence that you have submitted, that is probably less likely than with other witnesses we have had before us.

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1 See CBI briefing on Localism Bill House of Lords report stage.
To begin with, is the planning system as it stands in need of reform, or revolution, or neither of those two? **Paul Cheshire:** First, I come to this as an applied economist who is interested in planning, so my take may be slightly different from that of a planner. I think that the planning system has very important things to do in regulating land markets, which have major endemic problems of market failure. How do we provide public goods like open spaces? How do we take account of the fact that what I do on my patch of land has an impact on the value and enjoyment of my neighbour’s patch of land? You must have a regulatory system. Planning does that and also co-ordinates patterns of land use with the provision of infrastructure and so on. I see it as an absolutely essential safeguard of environmental and amenity values of which markets on their own are incapable of taking adequate account.

However, many economists who have looked at this over the years have come to the conclusion that it has had extremely harmful economic effects in terms of distorting prices, increasing the cost of doing business, and on housing availability, quality and prices, making housing unaffordably unaffordable. You asked a question earlier. It is a long-term issue; it spans two generations. What we build in any year is such a small fraction of the total stock of buildings that it doesn’t matter. It is when you add that up over five, 10, 30, now 60 years, that you get these big build-ups of things that generate economic inefficiencies, loss of welfare and unaffordable housing.

**Dr Ellis:** I think the planning system has made an outstanding contribution to the nation. As to whether it is broken at the moment, we are in an extremely difficult time. Planning has never been so deregulated or subject to so much uncertainty, certainly in the postwar era. Whether or not there was an evidence base for why planning needed reform is very difficult. Perhaps you can say that is an argument you cannot return to now. Certainly, England is not a nation you can run without strategic planning; it cannot be done. There are benefits in planning that deal with things that go a long way beyond price. Lots of issues to do with social welfare, the challenges of climate change, social inclusion and regional inequalities all need to be dealt with through strong planning.

But at the core of it the great shame about planning reform is that the big problem is about resources and culture, not structures. In England we are obsessed with changing our planning structures on an ever-increasingly speedily turn around. That has led to a system that is now in a very difficult state, but the case for evolution and reform and culture change was certainly there. The case for wholesale deregulation, which in many cases is what we are receiving now, is certainly not there.

**Alex Morton:** The planning system has two possible reasons for existing: one is to correct market failures. You could have an externality-based system, where if someone does something right next to you obviously it has an impact on you, and the planning system exists to mitigate that. There is a second reason why planning could exist. Planning as an overarching vision; it is a 1940s command economy with central planning. We would argue that the current planning system mostly resembles the second. Not only does that fail; it also means that the first objective, i.e. to account for externalities and changes, is lost. We do not agree that the planning system is serving us well. Home ownership is falling for the first time in 80 years because we have built far too few homes for a very long period. This is wrong. We think the fact that £22.5 billion will be spent on housing benefit by the end of this Parliament and the fact that commercially we have six of the 50 most expensive cities in the developed countries is related to our planning system. The LSE has done lots of work to show how our commercial space, internationally, is very expensive. For example, Birmingham is as expensive, or more expensive than, San Francisco. There are a huge number of planning failures.

Finally, I don’t think many people think that what we build is particularly desirable or attractive. One of the problems of the planning system is that people are afraid of development because it is not of very good quality, and then we decide to get round that by creating even more regulation and planning, when it is bad regulation and planning that created the problems in the first place.

Q43 Chair: Some people might either credit or blame your organisation for having brought about the changes in the NPPF leading from the 2006 report Better Homes, Greener Cities. Are you pleased by what you see now? Do you take credit for it?

**Alex Morton:** We think all parties should want to build more homes. I think there should be a cross-party consensus that people who work and aspire to own their own homes should be able to afford that. I think most people also want to see in the next 10 years growth return and as many barriers removed as possible. In a sense we have tried to push reform but we are not sure this is the exact way to go about it. If you look, the local authority planning system is at the heart of these reforms. That repeats the early 1990s reforms, which was the last time the Conservatives tried to reform planning. It started off by looking as if it would be looser, and then it returned to the idea of the local plan being central. We think that when you combine that with having planning inspectors, how much people will feel there is real localism is questionable. There is also the possibility of ‘planning by appeal’, where planning inspectors end up overruling councils, which creates a lot of hostility. Household projections remain inherent within the NPPF despite the fact that half of all householders under-occupy their own property, which cannot be taken into account very easily. Therefore, you underestimate demand.

Overall, what we want is a system where you get better quality and more homes. Whether or not this is going to do is an interesting question. We would argue that the package of reforms at the moment probably won’t achieve the Government’s objectives.

Q44 Chair: You are producing a report, aren’t you?

**Alex Morton:** We are to produce a report in the next couple of weeks that argues for a more radical system to be introduced. We think that the Government have completely the right objectives and have been quite
brave in taking on some vested interests. However, we think that they may need a slight steer. There are also some reasonable concerns from nimbys groups that need to be taken into account, mostly about the quality of development. If we can come up with a system that creates a better quality development, a lot of other problems will solve themselves, in that you will have less of a fight and more agreement.

Q45 Chair: No doubt you can send us a copy of that report.
Alex Morton: We will happily send a copy to all members of the Committee.

Q46 Chair: Dr Ellis, I assume you have a slightly different take on the reforms. You are suggesting that they are not really dealing with the challenges that face the country over the next 20 years; they are a bit rooted in the here and now?
Dr Ellis: I think an extraordinary gulf is opening up, not least on demographics. I am sure we can share the sense of the need to meet demographic change. But the future of England is dependent on a strategic conversation that is not based solely on price. The world is much more complicated than that. By the way, I think the evidence about the benefits of planning is much more complicated than is being portrayed, sometimes for partisan reasons. When you look at the royal commission in 2002, the royal commission on the urban environment, the royal commission on environmental planning and the Foresight Report, which also talks to some degree about Paul’s agenda, those flag the extraordinarily serious nature of food and energy security, climate change challenges and coastal and demographic changes. If you are going to deal with those issues democratically you must have a sophisticated system of regulation to do it. There is no historical precedent for making that purely a market mechanism. The very basis for the English land use planning system was not socialist command economy. It was produced by the commission headed by Sir Montague Barlow, who was a Conservative barrister. He put the planning system into place for pragmatic reasons about the management of the nation. On top of that, the TCPA would love to build a few garden cities and do some visionary utopian stuff round the edges, but, to be really clear, the planning system derives overriding benefit for this nation. It makes mistakes, but if you want the dystopia that would result if you concentrated development without any consideration of water resources, climate change or any considerations about social inclusion, you can have it.

Q47 Chair: I gather you are not going to agree with that comment.
Paul Cheshire: The interesting thing is, there are surprising elements that I do agree with. My problem, coming to this as an economist, is that planning is many things but one of the most fundamental is that it is an economic mechanism; it is rationing a scarce resource, which is land for development, but it is then leaving it to the market to throw up the prices. The result is that, if you could get planning permission outside Oxford to convert agricultural land to housing, you go from about £10,000 a hectare to £6 million or £7 million a hectare. That is a quite extraordinary price distortion, almost on a level with that observed in the last years of the Soviet command economy in Poland and the Soviet Union.
I remember giving evidence of an economic nature to the Oxfordshire structure plan inquiry in 1991. I argued, I think cogently, that this would increase the price of housing in Oxfordshire and give monopoly power to local developers who owned particular patches of land where large proportions of development were being made available. After about a day of very detailed evidence and discussion the inspector said, “That’s very interesting. I’ve listened very carefully to what you had to say, but the price effects are not material considerations.” I welcome the draft NPPF in that it tries to bring price back into the balance. It says in paragraph 19 that we should look at market signals and they should inform our decision making but not determine it. I agree with Hugh, surprisingly, that we always need to couple together the economic consequences of our decisions about land use with its wider environmental and amenity consequences, including carbon footprint and global warming effects. They are absolutely vital. That is part of where the market would fail if we did not have regulation, but for 60 years we have had a system of regulation that has been failing the economy, so to speak, by not taking account of any prices.

Q48 Simon Danczuk: What do each of you think is meant by sustainable development?
Alex Morton: Do you mean the meaning in the document—obviously, that derives from the Brundtland Commission—or do you mean what we would like to see? Sustainable development is development that we would argue, Policy Exchange tends to argue that is about technological change. For example, it is about supporting electric rather than petrol-driven vehicles, and renewable energy rather than trying to grow every single new home at great cost. We would argue that in a planning system sustainability is a relatively peripheral product, and technology and other policy should be focused on that area.
Dr Ellis: There is a clear definition of sustainable development in the 2005 strategy. I think it is powerful and extremely important for the future of the nation. Brundtland is an interesting starting point, but it is now more than 30 years out of date. It is very surprising to see it represented in the NPPF. The 2005 definition is not a partisan one; it represents 25 years’ experience of what sustainable development is. I think the five ideas around sustainable development remain critical, but there is one very important principle that the NPPF deliberately ignores: the concept of environmental limits. That notion is critical because that is the bridging intellectual concept between allowing future generations some future prospect of life and our current consumption. That is most easily understood with carbon emissions.
But in a more positive way—because that is quite negative—there is the opportunity of sustainable development like building extraordinary, visionary...
places. You can reach out and touch sustainable development—bits of it called Freiburg. There are examples in this country as well, but we are not as ahead as we should be. Why? Because others have regulated to create markets in many of the products that drive sustainable development. But ultimately if you imagine that situation around carbon or water resources, the critical issue—is this ever so simple, isn’t it?—is whether it is sensible to build large amounts of new housing where you have no water resource. Sustainable development brings into planning the concept of environmental limits to take that forward. I did not make that complex in detail. It is quite complicated in detail, as you can understand with your water resources in the South East, which is why planning needed good, strong guidance, but sustainable development is clear. I am sad to say that, despite the TCPA’s best efforts—because it is here to generate consensus—it has not yet seen consensus about sustainable development in the NPPF.

**Paul Cheshire:** I support the general aspiration. Who could be against the Brundtland formulation of sustainable development? My worry is: how do you translate that into decision-making about parcels of land? I think entirely consistent with sustainable development is the proposals essentially that underlay the Foresight Report on land use futures, to which I contributed, which is that you should look at the underlying widely defined value of land. We should compare that with what it is currently being used for. Clearly, Hampstead Heath or a national park is producing big environmental benefits and very important public amenities. The idea that you should build on those places is ridiculous. What John Rhodes said earlier is consistent with my vision of how we should translate sustainable development into an actual decision-making tool. We should look at the price of alternative uses and compare that with the costs that development would impose in the wider framework. We should never decouple the market value of land in alternative uses from the wider environmental, social and amenity values of land in alternative uses. In the written evidence I submitted, I made a proposal about how one could translate that. You should not allow land to move into another use through the development and local-plan-making process unless you are satisfied that the change of use would create value in total for society.

**Q50 George Hollingbery:** Some very technical arguments are going on. I think Paul Cheshire is talking about trying to price the externalities in the totality of the system, so every time you make a decision you have to price every externality. To summarise it, I think Dr Ellis wants us to try to project every single possible environmental consequence for the next 50 to 70 years, which is an entirely admirable desire and something we should all attempt to do. Is it not the Government’s right to try to put forward some sort of definition of sustainability in this document, however amorphous it may be, that gives all of us a picture we can all agree with: some jobs for people; green space and oxygen to breathe; and a forward vision we can all get a grip on so we can all begin to make judgments about individual developments at any time? We all recognise that coastal erosion, demography and pollution are serious issues. If we try to over-complicate these things, particularly in a national document of this consequence, are we not just confusing ourselves in such a way that we will never deliver anything?

**Paul Cheshire:** I think the consequence of my argument is that I deliberately would not end up trying to value every aspect of decision making. I don’t think
that is remotely necessary. This is where I agree with what Alex is saying and is consistent with the argument that we should look at the value of land in alternative uses, not its designation. Much greenbelt land remains designated as greenbelt, so I do not think this document is flexible enough, but it has not just no environmental value but negative environmental value, because intensive agricultural land, according to the Foresight Report, has a negative net balance in terms of its environmental impacts. I am not in favour of concreting over the greenbelt either. We do not need very much land to satisfy our demands perfectly, but we should be focusing on land which has the least environmental value, and much of that is adjacent in terms of urban expansion.

Q51 George Hollingbery: Let me come back to the same point again. You are sitting in front of a planning committee of local councillors who are trying to make a decision. They understand we need jobs for the future, green spaces and housing for people who are socially disadvantaged. This document allows them to make a judgment on any planning application with those duties in their backs. I don’t believe that the planning system—I don’t know whether you agree with this—can adequately deal with the sorts of complexity that certainly Dr Ellis and Paul Cheshire are talking about. Is my argument unsustainable?

Dr Ellis: I think the planning system was dealing with it. I agree with you that it cannot deal with all the complexity. I have sympathy with that in a local planning committee, but that is why we moved to a local plan-led system. Planning is part art, part science and part politics, quite rightly, and there will be uncertainties, difficulty and argument all the time. My plea is not for perfect decision making but to ensure that planning is not degraded of some of the key principles that I think we can apply regardless of where they stood in whichever part of the country they were. This document is not workable. The irony is that it is not even a document and understood, and then there is always the art of interpretation, but at the moment you simply do not have a definition of sustainable development in the NPPF. It is set down in the UK 2005 strategy; it is a point to be discussed.

Q52 George Hollingbery: Why doesn’t the NPPF make people do that? That is the bit I can’t quite get my head round.

Dr Ellis: The NPPF is capable of change to make things both clearer in terms of a loadstone of sustainable development and a good deal more workable. The irony is that it is not even a document that is particularly easy to work with. Local planning authorities had seven years to come up with a local development framework since the 2004 Act. Many of them have not. The problem is that at the moment we start from the basis that we need this all-encompassing plan. What we should really do is look at what the planning system is for. There are certain cases, for example about change of use. If someone next to me wants to turn their house into a chip shop, clearly there needs to be a planning system so I can protect my property rights. If there needs to be development, there must be some way to ensure it is of decent quality. We think that is best handled by giving it to local people rather than council bureaucrats, but that is a point to be discussed.

The problem with the current arguments are that we end up in a situation where planning has to do everything. Because it has to do everything, it does not do very much very well. We argue that you should take it back to the core principles of what planning should be. I think Paul Cheshire’s point about working out the value of land is important. For example, as to greenbelt land, would it be better if we allowed some development on parts of the greenbelt and also created a levy that meant that you turn parts of the intensively farmed greenbelt into attractive parks and open spaces? That would be a way of positively planning in an area where there is a need for something other than just the market mechanism.

Q53 Mark Pawsey: Can I take it you are all very happy with the notion that what is sustainable in one part of the country may not be in another, so there is no uniform definition of sustainability, and what is right for the congested South East will not be right for the less populated North?

Dr Ellis: I am not happy with that as a principle. I think the core principle of sustainable development has some aspects that are distinctive. To be clear, inside the NPPF you begin with the goal of sustainable development and then it is instantly translated in the NPPF into individual objectives. Inevitably, that is the way it would go. But you have hit on a very important point. This document is not written with any spatial awareness, so the policies framed here, which are largely focused on circumstances in the South East, have some interesting perverse consequences for low demand northern areas. But that requires having a document that is longer than 54 pages and understands space.

Paul Cheshire: I agree with you, but I would not wish to push that too far. I agree that what is sustainable in one spatial context is not necessarily sustainable in another, for example access to sustainable transport. We know that some forms of transport are more carbon-friendly than others, but there are still basic principles that I think we can apply regardless of where we are, but there will be variations in how much that translates into decisions at particular locations.

Q54 Mark Pawsey: Is it desirable to have a common definition of “sustainable” and people would know where they stood in whichever part of the country they made a planning application?

Dr Ellis: It is certainly right that the principles of sustainable development would be clearly expressed and understood, and then there is always the art of interpretation, but at the moment you simply do not have a definition of sustainable development in the NPPF. It is set down in the UK 2005 strategy; it is clearly expressed, and certainly to the TCPA it is enormously valuable.

Alex Morton: Could one have a definition that did not lead back to all kinds of top-down targets? I think that if you have a national definition of sustainability, you instantly start to say, “Well, how do we enforce it?” In terms of sustainability in general, I think there is a
difference between the environmental aspects, such as biodiversity, areas of outstanding natural beauty, where I think there is a real need for policy to set out, and then a lot of rather futile policies about density or car use, which mostly have proved counter-productive and have not fulfilled what we’d want. They have often turned local people against development by saying, “People would be happy to accept detached housing with gardens, but what we are going to do is cram in a load of not particularly attractive flats.”

Q55 Chair: But haven’t the density requirements been quite successful?

Alex Morton: The density requirements nationally have been dropped.

Q56 Chair: But haven’t they been quite successful in ensuring we need less land to build a certain number of homes?

Alex Morton: Only 10% of England is built on. In one poll 69% of people said they thought the quality of the housing was more important than the quantity; 9% disagreed. We go again to the point about quality. One of the main reasons people object so vehemently to housing in their areas is that the quality is very poor. If we can fix that, we fix the root of many other problems without the need for a complicated top-down apparatus.

Paul Cheshire: People demand space in houses. Forcing them to live in very small houses with tiny gardens does not improve social welfare and certainly does not reduce the cost of housing, because people are simply paying more to get bigger houses with bigger gardens, which pushes up prices generally.

Dr Ellis: To mention one thing planning has achieved, we invented garden cities in the planning movement. They are some of the best low-density environments in the world. But I think I am beginning to lose the thread. The converse question to be thrown back is: if we are going to remove designations and make land use planning decisions purely on price, are we really saying we will remove green belt, AONB and national park designations? You shake your heads, but the very logic is that it has to be about price. Since house prices have not improved social welfare and certainly does not reduce the cost of housing, because people are simply paying more to get bigger houses with bigger gardens, which pushes up prices generally.

Q57 Heidi Alexander: Mr Morton, the planning system does not saddle developers with land banks. What they do with their land would be a choice by developers. The evidence given in the previous session talked about the availability of developer and mortgage finance. Do you accept that is one of the problems in terms of the provision of adequate amounts of housing?

Alex Morton: The National Audit Office found that it took 98 weeks to get through the planning system. Therefore, if you are a developer you need a long chain of sites coming through the system to make sure that when you finish you are not just left with a load of builders standing around with nothing to do. The point about credit is that the average cost of construction is massively below the cost of credit. To build a house it might cost at the very most £100,000 to £120,000. It could probably sell for £200,000. What is the difference? The difference is the value of land, so in that sense it is the planning system that is causing the dysfunctions. It means that the developers cannot build because they are trapped within a dysfunctional system. If you can build something at price x and make a profit on it, you should be able to increase supply until the price begins to drop. They cannot, because they have land banks and they are scared of land prices dropping, because they know their own asset sheets will be completely ripped apart.

Chair: I think we should move on. It is interesting how, if you put all the power back to the local communities, you are going to actually achieve that extra supply of land. That’s going to be quite an interesting concept.

Q58 Heather Wheeler: There has been an awful lot of debate on whether under the new NPPF there is a presumption in favour of development, a presumption that says that when they know their own asset sheets will be completely ripped apart. Paul Cheshire: I think the thrust of the document is, so to speak, in a direction that I see as being appropriate. It is pushing people and local plan making into a position where they will have to look more favourably at development and allow enough land to come forward for development, and enough space and flexibility within the system. But I still worry that it does not go far enough and relies too mechanistically on the designation of land in particular uses and particular classifications, rather than its real underlying value in amenity and environmental terms, so I entirely disagree with you on what I regard as a false juxtaposition of prices or
nothing. I say we need to combine both price information and the environmental and amenity considerations in the decision-making process. I think the document now goes in that direction to some extent—it is the first such document of which I am aware—by saying that, in making plans and releasing land, account should be taken of price signals from land markets. It is an important recognition. I would add it should be coupled with the environmental costs of building.

**Dr Ellis:** On the presumption, the situation is quite complicated. There has been a presumption in favour of development, but it has been redefined five or six times helpfully in planning law. It was finally and most forcefully expressed in 1985. Even then it was not as forceful as it is in the NPPF, because it did not contain the word “significant” in terms of what was demonstrable. That is a very significant change. I know TCPA bores the hell out of people in talking about planning history, but it is important. When that circular came into force in 1985, it down-rated the development plan and led by 1989 to 33,000 appeals in the system per year. The system was in gridlock and was very unpopular with the public. Consequently, in 1991 a Conservative Administration brought in a plan-led system under section 54A. That was when effectively it was heavily modified to say there was a presumption in favour of development described in the plan. That is quite right, and that is what the position should be.

What we are doing here is turning back policy very significantly, because a presumption in favour of development has never been expressed in law; it has always been expressed in policy. What we are doing here is turning that back. The NPPF is so poorly drafted in the first 10 pages that it is not even clear to what the presumption applies. It applies where the plan is not there, but it also applies as the founding principle of plan making. The presumption in favour of development, paragraph 15 and paragraph 20, is the founding principle of plan making. When we read the document and understand what the presumption means, which normally is to say yes to all forms of development unless the benefits significantly and demonstrably outweigh those policy considerations in the decision-making process. I think that the introduction of the presumption in draft version 2 is a very significant change. I say we need to couple both price and the environmental costs of building. That is going to be the test: is this a genuine compromise, and the new NPPF acceptance of that.

**Q59 Chair:** We had a discussion with the previous witnesses about the word “significant”. Is the existence of that word a real concern to you in that it changes quite a lot—that is what the presumption is about?

**Dr Ellis:** It is hugely significant. What happens when you bypass civil servants—bless them—in the writing of very important national policy is that you introduce a whole series of words that will have to be tested in law. There are about five major areas of judicial review that are new—totally foreseeable and we could have got rid of them if we had wanted to—and that word is one of them. That is certainly very important. The principle of drafting used to be that you do it as if a high court judge is looking at every sentence. Despite what many people have said, this is not a document that is solely, in our plain English discussion, a walk through the park. I wish it was exactly the same way as removing some of the prescriptive words around Town Centre First, or in relation to climate change, car parking standards, brownfield or social housing down rate those policy imperatives. That is why the NPPF is a very significant change in planning policy.

**Q60 Heidi Alexander:** Dr Ellis, Mr Morton said earlier that planning was not about having a grand vision. What do you feel about that statement? In your evidence you suggested that a spatial vision was necessary for the UK. How do you see that spatial vision being incorporated into the NPPF given that it is a very concise document? This afternoon we have discussed a lot of things on which we disagree, but constructively how would you like to see the NPPF changed taking it forward?

**Dr Ellis:** We have done a track change version of it, which we hope will be the basis of compromise, even if we did not include the bit that I think is closest to our hearts, which is the vision section. Grand visions without any basis plainly are not desirable, but there are five or six powerful reasons why you need a spatial approach in England. Ironically, economics is one of them; infrastructure provision is another;
climate change; food security; and energy security are others. In the past radical changes have been effected in this country by having such plans. The fact that we now find it so difficult even to debate the idea of a spatial plan I find extraordinary. I make few predictions in life because I am normally wrong, but the way things are with the kinds of pressures on this nation mean that we will have to have some kind of wider spatial approach for the sake of places like Liverpool. As the Foresight Report ably understands, 40% of our most productive agricultural land is at or below sea level—discuss.

If you want a pragmatic response, all I would like the NPPF to do is to have one paragraph that just understands that space is different in England. If you write a policy in the NPPF about six years’ supply of housing in one place, it has perverse outcomes in low demand areas. There must be some recognition that London is an extraordinary place in the life of our nation. There must be some understanding of the place of Liverpool or other cities in the North that require a clear future. You have to give investment certainty to those places. If the output is no investment certainty, you almost talk yourself out of the North of England if you are not careful.

If we take a paragraph of that kind, which suggests there is a clear commitment to making England work as a whole, and ensures, as one final important thing, there is no legal connection between big infrastructure planning in this country and town and country planning, how extraordinary is that? How do NPSs relate to the NPPF? We are about to publish a networks national policy statement that is not related to an understanding of housing provision. That is extraordinary. Therefore, the NPPF would set out to an understanding of housing provision. That is extraordinary. Consequently, the NPPF would set out clearly its relationships with that national policy framework. The idea hopefully is that we are producing a better world.

Q61 Heidi Alexander: You said there was quite a simple solution in terms of one paragraph, but you went on to talk about the contradiction between the policy statements and the NPPF. Do you think that a spatial plan is needed? In doing that, how difficult would it be to create it?

Dr Ellis: It is needed. Many aspects of Regional Spatial Strategies were of critical importance and losing them is desperately difficult for us. Their democratic accountability is unarguable. They were not democratic and they went the way of a non-democratic structure, but in terms of the data sets on climate change, energy and demographics— all of the issues we need to make the nation work properly— I find it extraordinary that major private sector interests believe this nation can be run without any sense of strategic planning. To be clear, the duty to co-operate does not provide that role at all. The duty to co-operate applies only to the public sector, 10 public sector organisations, as well as local government. It does not even apply to Railtrack or Grid Network. The future of this nation based on the opportunity— I clearly hope it happens, but I suspect it will happen more in the North than the South—that local government will want to co-operate is great, but we already have instances where they do not want to do that. How do we deal with that? For example, the phrase “displaced demand” was used continually in the context of housing in the previous evidence session. How will we deal with displaced demand without that kind of spatial approach? The nation needs it. No doubt we will have it back. The art form is to make it humane, democratic, sensible and proportionate. I understand the point about it being proportionate and not trying to do everything, but we must have it.

Paul Cheshire: I agree with that in part, in that I think there is a role and need for a strategic view of how development occurs, but that must be in conjunction with a clear understanding of how land markets work and what they signal and what planning can and cannot do. We need a system where you have planning across boundaries. You cannot plan for your local community if your local community is a little island surrounded by many other local communities all of which interact in one housing market. You need something more prescriptive. Yes, we need planning across boundaries, but which boundaries, in which contexts and for what purpose? I think the point about how you will deliver local sub-regional infrastructure is not adequately addressed in the proposals.

On the other hand, I think it is profoundly to misunderstand how the space economy works to think that land use planning should or can redress the problems of less prosperous regions. It simply does not work like that, and experience over the last 50 years shows it does not work like that. But at a local level, surely places like Manchester or Birmingham can adopt planning policies that make their local economies more productive. Mention was made earlier of some work I have done to show the extraordinary impact that planning restrictions have had on the costs of doing business in Birmingham. It is the equivalent of a 250% tax averaged over a six-year period on the marginal costs of constructing office space. Office space in Birmingham was 40% more expensive than in Manhattan in the early 2000s. You can show that is the direct result of planning policies adopted, and Birmingham can do something about that and I hope will do so under the new framework.

Alex Morton: I don’t think anyone would say there should be no spatial planning at all. If you are planning roads that are not going to be handled by the Highways Agency and need to cross boundaries, of course there is a need for some amount of spatial planning. The question is: what does that take us towards? Does it take us towards councils planning in a sensible way for clearly emerging demands, or an attempt to plan for everything for the next 30 years, now and forever, amen? Our view is much more the first and much less the second. I think that if you stop doing the second, you will do the first better.

To add one point to Paul Cheshire’s response, many northern cities are more expensive in terms of office space than southern cities, which I think is an interesting point. The planning industry is perhaps strongest in those areas, yet it has failed to create cheap office space, which would be one of the key drivers of managing to get regeneration. It is something that the report will look at and point out.
The data does not show that this spatial template has worked; if anything, it shows the reverse—that it has failed.

Chair: I am always told that development takes place when rental values go up, but never mind.

Q62 Mark Pawsey: Dr Ellis, to move on to the democratic accountability of the planning system, you talked about the previous approach being fundamentally non-democratic. The whole point about the localism agenda is that communities determine what is right for them. That works its way into a local plan and that provides a framework against which development proposals should be assessed. Does the NPPF in your view provide an appropriate context for people having their say in the future of their local area?

Dr Ellis: It is very challenging to say yes to that, because a lot of restrictions are placed on neighbourhood planning. This is a difficulty for us. We think there are some issues over which there cannot be local control, or at least not solely, and I wish there could. Carbon emissions might be one of them. I think the interesting thing about the NPPF is that it sets out and highlights the contradiction with the localist planning debate.

If I were to return to the question of what the average neighbourhood plan would deal with now, it cannot deal with less housing; it can deal only with more housing than is set out in the plan. It cannot deal with waste or minerals and it cannot come up with local sustainability standards, which I was interested in. Again, it is very sad to see that the code for sustainable homes is not referenced in the NPPF, which is extraordinary.

My real concern about the neighbourhood planning process is that it is one of the most complex processes ever invented, and that is saying something for planning. But the amount of power you can use at the end of that as a local neighbourhood is quite restricted. I think the tension that exists between the proper desire for community participation and neighbourhood planning to happen versus what it can actually deal with is left unresolved by the NPPF. Finally, you will find lots of communities having to read it very closely and trying to reconcile it with the localist planning debate.

Q63 Mark Pawsey: So, you are going straight to development control rather than a plan-led system? Isn’t not better that local communities have some say in their plan than no say in it, which is the present situation?

Alex Morton: They would have a say in it. If you want to get something passed, say in a village, or extending a suburb, people very close to the development—we are not talking of thousands of people, but those who are probably opposite it or maybe in the next street along—would have to say yes or no. If the neighbourhood plan is rejected you cannot come up with a different one; you go back to local authority control. There is the point about land prices. RIBA for example recently criticised new homes as being shoebox developments. The developers then said that of course they were; anything else would be unaffordable. Of course, if land prices are £1 million, £2 million, £3 million or £4 million in parts of the South East, once you have paid for that land you have very little left for quality and you try to cram in as much as you can. If you add land use allocation, you cannot really say no. You are almost put over a barrel because you have to have so many homes in your area, as your negotiating capacity is quite weak. We think you must have local people involved and there are better ways of doing it around statutory compensation, and those in the very immediate vicinity should be able to say yes or no. If half the people object to a development, it would not go ahead. The design must be good enough and it should be allowed to go ahead. You don’t need anything more than that.
Q64 Mark Pawsey: But is it not proposed that local people have a say in the plan rather than the development control decision? Accepting the restrictions that Paul Cheshire and Dr Ellis put on community engagement within the neighbourhood plan, is that not better than where we have been up to now?

Alex Morton: Yes; it would be a small improvement.²

Paul Cheshire: I think it is better; it is coming from the bottom within a framework that tries to reflect wider national interests, so that is positive. You asked earlier whether it was process or the constraint, and I think the answer was 60% the constraint, but we must add to that the incentives. Alex has touched on that. The Government are also doing something about incentives. At the moment we have an incredible position where we fine local communities that allow commercial development. We do that because we have a uniform business rate, which means it all goes to the Treasury and no money comes back to the local community. They still have to provide the services for the development, so it costs them money. You have to put the whole system into the process, which is extremely complex and expensive to operate. There is some research to show that it is even worse when it comes to brownfield development than greenfield development, interestingly—it is even more expensive and protracted on average—by Michael Ball at the University of Reading. We need to get the three prongs right: a simpler process; a more flexible release of land where its value is maximised by development, plus the right incentives for communities to be compensated for allowing development.

Q65 Mark Pawsey: Dr Ellis, you drew attention to the restrictions on neighbourhood planning, but is that a better place than where we are now?

Dr Ellis: I certainly think that people’s rights in development are very limited. Even now my advice to many communities and parish councils who talk to me is to get involved in and get on with the plan-making process. The funny thing about that is that people should really get on with getting involved in their local plan process where they have a legal right to be heard. They do not have a legal right to be heard in neighbourhood planning, which is a bit odd. I think most people are interested in the slightly bigger strategic issues and most people should involve themselves in that process.

Planning as a profession has not done what it needed to do about community participation and planning. We are pretty good at it when we are given the opportunity, but very often we are not given the opportunity. There needs to be massive emphasis on planners being able to have rational, sensible conversations with people without them running to the hills. That was what I meant when I said at the very beginning that most of this was about culture and how planners worked with their communities, but certainly if it is plan-led it is beneficial.

Q66 Simon Danczuk: You touched on the issue of brownfield sites. Paul, I think I am right in saying that you are in favour of getting rid of the targets for brownfield sites, yet the British Property Federation want to reinstate them. That is one example. The North West where I come from has the highest proportion of brownfield sites. I suspect that if you asked the vast majority of residents in the North West or anywhere they would say that surely we should use brownfield sites before we start to use anything else. Why do you not agree with that? Why should not the Government say we should use up brownfield sites as a priority?

Paul Cheshire: It comes back to the issue of mechanistic designation versus trying to construe what the value of land is in different uses. It seems to me that the real underlying issue is that you use the environmentally least damaging land for development where it is available and is suitable and viable. One of the mistakes made consistently by the planning system over 60 years is that it has implicitly assumed that there is perfect substitutability between land in one location and land in another. Brownfield land in Hull is not remotely a substitute for greenfield land in South East England, say the edge of Reading or Cambridge. It is quite wrong to think that businesses are equally productive regardless of where they are located. There is very clear evidence that location is absolutely central to how productive businesses are. If you start to force businesses to go on particular sites that are classified as brownfield, you immediately have an economic efficiency loss. I am in favour of building on brownfield sites where they are available, but I think that is fully safeguarded in the existing draft in paragraphs 165 and 19, bullet point 5, where it says that plans and decision making should steer development to where the environmental costs are lowest and it is viable.

But the other side of it is that, because of the mechanistic designation, sometimes brownfield land has high amenity value; it has been open and undeveloped for 20 years and you have significant wildlife habitats in towns that would otherwise lack them. It is a sort of informal open space. There may be public access to it; it may be the grounds of a Victorian hospital comprising 35 acres in a relatively rural location; it may be Ministry of Defence land that has the only population of a particular species anywhere, so blanket designation simply does not capture what the value of land really is.

Q67 Simon Danczuk: But is it right that if we don’t have it as a principle set out by national Government we could end up increasing the proportion of brownfield sites around the country?

Paul Cheshire: I think it is unlikely.

Q68 Simon Danczuk: But possible?

Paul Cheshire: There is not much brownfield land that has low value in Cambridge, for example, or in London come to that, but there is plenty in other cities, and that is where you would expect development to occur.

Dr Ellis: I think it is very important because it goes to the heart of this issue about north/south. First, there

² The witness has requested that it be indicated that he shrugged at this point.
are no blanket designations on brownfield land as if the planning system is blind to individual environmental quality. That is what the plan-making process is for. If you find the right kind of weevil on the brownfield site, very often statutory consultees are rather annoyed about trying to develop it, but in the North West, where you have an enormous challenge in relation to ex-industrial land right across the region, if you say to the development industry—this is all about development industry certainty in some senses—that there is now an open door, the development industry will go, quite rightly, to the most developable site; it might go to greenfield sites over and above brownfield sites.

The only question I pose back to economic rationalism on that point is: what does that do for regeneration, particularly where those sites are critical to regeneration policy? In particular, the brownfield target was not a perfect solution but it was very important for northern ex-industrial areas. Without it the future for them is potentially bleak in two ways. Development disappears in those areas. Some told me a story related to Liverpool. I will not say who it was. Liverpool’s local authority is paying off its schools. Its planning policy is being rewritten to sell off its urban green spaces to build “silver sheds” and get in some money. That is not planning’s problem. You need strong policy to defend those areas.

One of the issues that makes that difficult for local authorities are three paragraphs on viability, because now local authorities are confronted with the idea that it is an acceptable return to the developer on which the plan-making process did not examine environmental quality. Since planning is on it knees, let me say in relation to urban green open space just remember what movement put in place East London’s open parks after the war. It was the planning process.

Q69 Simon Danczuk: Town Centre First has been relaxed a little bit in terms of the new document. Are you in favour of relaxing it, or is there an argument for making it even stronger and encouraging even more development in town centres rather than unsustainable out-of-town shopping centres?

Paul Cheshire: It comes back to the point I made earlier. It is a complete fallacy to think that land in one location is a good substitute for land in another, even if they are quite close by. I favour the regeneration of declining regional economies, but to do that you have to get jobs and viable businesses, and therefore they have to be in viable locations. Where possible, that should be on brownfield locations because that has lower environmental impact, but in reality the choice may be between not getting jobs and forcing things to go into brownfield locations. Therefore, if you have a policy that it goes on brownfield locations nothing much will happen because it is not economically viable.

To come back to the Town Centre First policy, essentially it is the same. I have recently completed some research where we got data from one of the big supermarket chains. That concluded that as a pretty minimal estimate Town Centre First policies had cost the supermarket sector something like a 16% loss of productivity since 1996 because it forced supermarkets to go onto intrinsically less productive sites.

Q70 George Hollingbery: We come back to the same argument about externalities. What you are saying is that there are values in town centres that are not necessarily easily quantifiable; there is the social fabric.

Simon Danczuk: Exactly.

George Hollingbery: There are all sorts of things.

Paul Cheshire: I may be going on too long, but you have to put the benefits and costs together, as was said earlier. What I have demonstrated is that there are very clear and substantial economic costs, so what are the benefits? It is creating a significant barrier to entry for new shops. There is another piece of research by the LSE that shows that it has certainly caused a loss of jobs in retailing in town centres. What you have is a substitution of things like Tesco Metro and Sainsbury’s Local for smaller and more varied shops, so it has contributed to the homogenisation of high streets. What are the gains? What it is doing is separating shopping from where people live and extending supply chains because warehouses remain located relative to motorways, so it is quite likely—but the research has not been done—increasing the carbon footprint of the retail sector. In 1996 we introduced this very dirigiste policy with the twin purposes of protecting poorer households that did not have access to cars and sustainability. It is certain that it has reduced productivity in the retail sector and therefore increased prices in shops. In my judgment it is probable, but we are still doing the research, that it has increased the carbon footprint of the retail sector because it has separated where shops are from where people are.

Q71 Simon Danczuk: On the point you made earlier, I am fairly convinced that the public would prefer supermarket chains to lose 16% productivity and retain their town centre and the whole dimensions of the social aspects to which George referred. They are less concerned about the productivity within what is, as Heidi pointed out to me, a very lucrative, successful and profitable supermarket sector. Therefore, the public’s concerns are not that key in terms of supermarkets.

Alex Morton: If that is the case, surely people would choose to shop in their town centres rather than supermarkets out of town. I also add that this entire debate completely ignores the internet. 15 years ago this debate would have been impractical in the sense of productivity losses and diverting people from their first choice of shopping. It is now completely unworkable in that it will merely hasten the spread of internet shopping. If people are forced to choose between the place they don’t want to go and an internet click provider, you will just facilitate the spread of internet shopping.
Q72 Simon Danczuk: But the idea that people just want out-of-town shopping is a nonsense. It is not either/or that you want an American version of retail or the style in continental Europe. Other countries in Europe have limited development in out-of-town shopping. One of the reasons large supermarkets go out of town is that business rates there are much lower. The Localism Bill allows local authorities to reduce business rates but not increase them, so they could not increase them to discourage out-of-town shopping centres.

Alex Morton: In that case, we are not discussing using the planning system to block out of town. If we want to talk about change and change of use, we for example have said there should be much greater flexibility about change of use. We know it is something about which the Government are keen. That would be a way of saying we should remove lots of the burdens on brownfield development and lots of top-down planning on that. If that is how you want to help these areas, do that. It is a much more sensible approach than simply stopping development elsewhere.

Dr Ellis: We just need to correct something that is very important. Very often there is the idea that planning produces absolute designations. When the policy was changed in 1996 it was very important. Let me give you an example. If you want to take that free market approach, let’s be absolutely clear that it is a deregulatory view of England. How do you get Liverpool One to work? Liverpool is a triumph of that policy. Liverpool One is not a place on its knees; it has growth potential and there are plenty of big developers who want to go to Liverpool. You take away investor certainty from a place like that by saying you can do what you like anywhere out of town, those are the places that have more social issues to grapple with—but bear in mind the planning system. I wish it had not happened, but 60% has been out of centre since 1996. I want to ask this really important question: is that a Stalinist planning system at work?

Paul Cheshire: Hugh is posing a completely false dichotomy.

Dr Ellis: It’s funny, because I think that about you.

Paul Cheshire: It’s not a question of going from light touch regulation to something that is utterly free market. We may retain some discouragement—we certainly would through the principles of the National Planning Policy Framework—on the development of huge greenfield sites that are non-viable and extremely unfriendly in terms of global warming. However, we have the strongest and most dirigiste controls on the development of out-of-town large format efficient supermarkets and shops of any country in Europe.

Dr Ellis: That’s not right.

Paul Cheshire: Hold on. The Competition Commission in 2000 did a very careful bit of research on the cost of retail space, comparing Britain with several European countries. France have regulation, but they have viable town centres and the cost of retail space is one-tenth that in England.

Alex Morton: If you look at internal migration from our cities, starting with the biggest and then going to rural areas, there are very large internal flows away from our cities because we are not making them as attractive as they should be. The point about why inner cities have regenerated is that there has been a massive demographic shift. There has been a tripling of student numbers and a delay in family formation that means that now most people who are young and single want to live in city centres. Most of the regeneration that would have occurred was not because of planning but because of a huge demographic shift. People wanted to live in apartments and go there. Planning is not a massive success. Overall, our cities are in decline in the sense that people are flowing away from them to rural areas. Interestingly enough, this is what causes some of the pressure in rural constituencies. Our cities are not flourishing in the way we would want them to. I think that is something that the current debate is not addressing.

Dr Ellis: I think there is a real step choice between a planning system that I think has delivered real benefits and a new kind of economic rationalism. That economic rationalism is unproven. I dispute a tremendous amount of the data behind it. I would urge for the future of England that the NPPF represents all the complexity and difficulties of our varied nation and not one particular kind of economic analysis, which I fear will lead us into a very difficult, harsh place.

Chair: Thank you all for the very interesting, stimulating and sometimes differing evidence that you have given to us.
Monday 17 October 2011

Members present:
Mr Clive Betts (Chair)

Heidi Alexander
Bob Blackman
Simon Danczuk
Stephen Gilbert
David Heyes
George Hollingbery
James Morris
Mark Pawsey
Heather Wheeler

Examination of Witnesses

Witnesses: John Slaughter, Director of External Affairs, Home Builders Federation, Ian Fletcher, Policy Director, British Property Federation, Sir Simon Jenkins, Chairman, National Trust, and Ben Cowell, Assistant Director of External Affairs, National Trust, gave evidence.

Q73 Chair: Good afternoon. I welcome you all to the second evidence session in our inquiry into the draft National Planning Policy Framework. Thank you for your written evidence, and you are most welcome to this oral evidence session. Just for the sake of our records—who are you and the organisation you are representing, please?

Sir Simon Jenkins: I am Simon Jenkins, Chairman of the National Trust.

Ben Cowell: I am Ben Cowell, Assistant Director of External Affairs, National Trust.

Ian Fletcher: I am Ian Fletcher, Director of Policy at the British Property Federation, which is the trade association for the property investment sector.

John Slaughter: John Slaughter, the Director of External Affairs for the Home Builders Federation.

Q74 Chair: I always say to witnesses at the beginning, and it may or may not be appropriate on this occasion, that if you substantially agree with the comments being made by one of the other members giving evidence, then you do not have to repeat that; you can just say, “Yes, I agree with the comments that have just been made.” There may of course be occasions when differences will arise, and you can obviously explain those. Just to begin with, in this country there is a clear need for a lot more houses to be built—there is a significant national housing shortage—and there is a need for economic development to sustain people’s living standards, so what is wrong with the Government changing planning guidance so that we can get economic growth more easily?

Sir Simon Jenkins: There is nothing wrong. I do think, and this is by way of preamble, that the link between the availability of land with planning permission attached to it and either the state of the housing market or, much more importantly in the context of the moment, economic growth in general is simply not proven. I have tried to wrestle with the link between economic growth, as presented by the Chancellor of the Exchequer and others, and this particular debate, and I have yet to see anything that links the two. It is used, I know, by lobbyists intensively as an argument for freeing up the planning laws, but there is simply no evidence that the freedom or otherwise of the planning laws has any relationship with economic growth or with housing supply. I have been around the country a lot lately, and there is just masses of developable land in England; there are hundreds of thousands of acres of it. There is a mass of land with planning permission awaiting development that is not being developed because of the absence of demand or finance. We remain to be convinced of the link, which you imply, with economic growth.

Q75 George Hollingbery: Can I just ask for clarification? Is there not a difference between impeding economic growth—i.e. not allowing certain things to go ahead—and planning for economic growth proactively? You can say to a local authority, “You should be planning to do more for growth than is currently done by the planning system.”

Sir Simon Jenkins: Planning permissions for commercial activity, 95%, 99%, go through almost on the nod. I do not know how much time you have spent in urban Britain—it might be more than I—but there is just a mass of space, just not up in Yorkshire. If you go round Leeds, I do not know how many hundreds of acres there are awaiting development—brownfield sites adjacent to countryside awaiting development. I cannot see the link between a lack of developable land, particularly in the countryside around Leeds, and economic growth. I do not see the argument.

Q76 George Hollingbery: Sir Simon, I think you would admit that the economic growth in this country, at the moment, is skewed towards the South East of England, where development is most difficult. I suspect strongly, you may disagree—perhaps you could tell me why—that there are planning policies that could be put in place that would allow the South East to grow more easily, because developing in the South East is much more difficult.

Sir Simon Jenkins: Yes, I would grant that. We could go round the South East and find masses of empty sites awaiting development. The biggest problem I think in England has been the inability to direct planning policy towards infrastructure-rich hearts of cities. If you go to French cities or German cities, you very rarely see the dereliction you see in, for instance, the West Midlands. I am entirely in favour of using the planning system to direct economic growth. I do not think the present Planning Policy Framework is a big—well, it is a problem; we are entirely in favour of
speeding it up, but we can come on to that. However, I do not regard it as being some magic bullet in the planning system that aids economic growth anyway.

Ben Cowell: There was a Select Committee in 2002 on this very topic that could not find any evidence at all that supported the claim that planning was, in any way, a brake on growth or productivity. The evidence is not there that there is a link between the two things necessarily. We support the plan-led approach absolutely, but there is a difference between praying in aid in favour of economic growth.

Q77 Chair: The home builders are looking to get in. Explain to us: it is not the lack of planning permission that is stopping you building houses at present, is it?

John Slaughter: We do feel that planning is a fundamental issue; it is a long-term issue. We are in favour of a plan-led system and we have no wish to change that general approach, but the evidence would suggest, if you look back over the last 20 years, that the planning system has not delivered sufficient land for housing and development. There are figures that would show that simply has not been sufficient, because otherwise we would not have the housing crisis we do, and the housing crisis had built up long before the financial downturn that we had in 2007–2008. We have estimated the shortfall at something like 1 million homes for England cumulatively, and we are currently adding to that at a significant rate, year on year.

Certainly planning is not the only issue, but if you want a long-term solution to our national housing crisis, the planning system will have to deliver more land than it has done. From the Government’s point of view, I would say that there is an economic rationale to this; because there is a real need for more housing, it will actually create some considerable economic benefits if we can begin to meet that need. Housing creates one and a half direct jobs per home built. It has lots of wider benefits in the supply chain and allied trades and services, so that if we meet the need that is there, there will be a very direct economic benefit. A system that does not facilitate that in a positive way is clearly detracting from national economic benefit.

Q78 Chair: Are you actually looking, then, for simply more planning permissions so that, as a direct result, more houses will be built in this country—some sort of certainty—or are you really looking for more planning permissions so that you can choose which of those sites you build on?

John Slaughter: The key thing is that the system produces what we call “developable sites”, and that is a site that is available, viable to develop and not wanted for other uses, such as commercial, industrial or amenity purposes. What we would like to see from the new system is a way of planned production that clearly identifies what housing requirements are and then identifies the developer or the supply of land to meet them. That is not what has happened consistently enough in recent months.

Ian Fletcher: My colleague to the right said that there was a study from 2002, but a lot has changed in the planning system from 2002. Up until 2001, we had a presumption in favour of development and, in 2005, we had a presumption in favour of the local plan. In that regard, we have a situation where we only have a third of plans in place. It is fairly difficult to develop against a plan that is not there. Therefore, we think it is very important that identifiable need is planned for. We are not asking for anything more than that, but we are not asking for anything less than that. In terms of consequences for housing, I am not the BPF’s planning expert, I am our housing person, who sits week by week in meetings with the likes of Shelter, Crisis, Citizens Advice and others and sees at first hand the various consequences of not meeting housing need, in terms of squalid conditions, overcrowding and the proliferation of houses of multiple occupation. I have a strong feeling from my perspective that, at the moment, we are sweeping a number of those problems and those people under the carpet.

Q79 George Hollingbery: Just to pursue the two gentlemen from the property side, can I just ask you: is your experience that this is a matter of process or of principle? Is it a matter about the plan and what it does not or does plan for, or is it how long it takes to get permissions and the cost involved in relation to that?

John Slaughter: I think it has probably been both. In terms of the plan, a fundamental problem is the system that has existed over the last few years has not produced enough properly adopted local plans. Only about 30% of local authorities in England have an adopted core strategy. Others are working on it at the moment but, as things stand, it is only about 30%. That is after seven years.

Q80 George Hollingbery: I understand that, and the provisions in the NPPF, as it stands, say that, if the plan is silent, then the NPPF takes over. It deals with that and entirely makes sure that all authorities will bring plans forward. I am more interested in what would improve your members’ position. Is it sorting out the process so things are done faster or is it a matter of principle that more get permission?

John Slaughter: I think it is having a positively adopted plan. That has to be right. That works for everybody. It will work for the local authority and community. It will work for us as developers. It is a problem for developers if there is not a properly adopted local plan, because you do not know quite so much what you are aiming at. There are process issues as well but, if you ask me to choose in terms of the current debate—

Q81 George Hollingbery: Well, put it in a spectrum. I asked the same question last week: 100%, what percent to each? If asked your members, if I did a survey of them, “Give me a percentage of the problems that are caused by process and those caused by principle?” tell me where it sits.

John Slaughter: I should think around 60/40 in favour of the local plan being properly adopted.

Q82 George Hollingbery: So principle rather than process? Sorry, I am not quite with you.

John Slaughter: Yes.
Q83 George Hollingbery: Sir Simon, the Prime Minister sent a letter to the National Trust. We have been advised this afternoon that the response from the Trust was that, if the principles laid out in that letter about giving equal weight to the economy, to social and environmental could be enshrined in the NPPF, the National Trust would be a great deal happier with what is being proposed. Is that the case? Can we confirm that on the record here, please?

Sir Simon Jenkins: Yes.

Q84 George Hollingbery: Other witnesses, rebalancing the terms of the NPPF, in terms of having equal weight given to all three legs of sustainability, is that something you would be comfortable with?

John Slaughter: We think it already does that so, by definition, yes, we would be comfortable. If there are issues, they are essentially presentational rather than substantive, and it was certainly never our wish that we moved away from that well-understood principle of balancing the three legs of sustainability.

Ian Fletcher: We wholly agree as well. I have been having conversations about how sustainability is defined.

Ben Cowell: I think it is slightly more than presentational. If you read the document, it starts by talking about “sustainable development” and suddenly segues into “sustainable economic growth”, which replaces the term “development”. All the way through, we have this emphasis on economic growth above the other two legs of the sustainability tripod. There is a fundamental issue with the way in which the document has been written; it does need to be corrected on that score.

Q85 George Hollingbery: There is within the core, the kernel of this document, something that both sides feel can be used. Is that correct?

Sir Simon Jenkins: There really is a general collective view that the planning system needs reform: it needs speeding up; it needs streamlining in all sorts of ways; and it needs localising in all sorts of ways. With respect to my colleagues, our view is that this document does not deliver any of those things. To be frank, most of the ministers involved thought it did and they keep saying it. Anybody reading this document cannot come to the conclusion it is a balanced document. It is clearly directed on one very firm motivation, which, as I said before, I would query. I do not think this is basically about creating movements in economic growth. It is about housing supply for a particular group of housing developers that want a particular sort of land, but there is no shortage of land in this country for development if you are talking about need. If you are talking about demand, it is different.

Q86 George Hollingbery: If my colleagues will indulge me just a little further, a couple more quick questions: on what basis do you think it is possible for an inspector being presented with a local plan by a local authority to reject it as unsound if it does not plan for sufficient economic growth in their light?

Sir Simon Jenkins: I just do not know what the word means. Clearly at the moment we have a document that is Government policy—it is not just a draft but is Government policy—and inspectors are now making decisions on the basis of this document in the absence of local plans. I agree the absence of local plans is the most serious threat facing planning in England at the moment. At the moment, you have an extraordinary state of affairs in which the inspectorate is interpreting this document as, in effect, a green light for any sort of plan or any sort of development. We see each week the list of developments that have been allowed to go ahead. We have at the moment a very radical change in planning policy as a result of this document, and that is our concern. It is not at the moment a balanced document.

Q87 George Hollingbery: To be fair, at the moment the plans that are being approved are being approved by the RSSs. It was found in the Barton Farm case that the RSSs still applied, and while the NPPF is a material factor, the RSSs are more material. Is that not correct?

Sir Simon Jenkins: Where they are still in operation, yes.

Q88 George Hollingbery: Just one last question for the developers, and I do thank my colleagues for being so indulgent: do your members anticipate using the very clear predisposition to economic growth in the NPPF as a way of requesting development and putting in unplanned requests for development, across the country, should they have not been put in the local plan?

John Slaughter: I do not think we do. It is probably worth making the point that, if you look at the structure of the Framework, housing is listed under the social arm of sustainability rather than the economic arm of sustainability.

Q89 George Hollingbery: Can I just be more generic and say development in that case?

John Slaughter: I can only speak directly in terms of housing, because we do not represent other than housing organisations. Maybe that is a consideration for development as a whole, but as we understand it the clear intention of the document is to balance the three legs of sustainability. Presentationally, I do not think it is entirely unreasonable to give some emphasis to facilitating economic development and growth within that equal approach to the three legs of sustainability. After all, it is in situations where you are wanting to do something or change land use in relation to development that you need to seek planning permission. You do not need to seek planning permission if you are simply seeking to leave things as they are. That is why I say it is perhaps more presentational than substantive. As far as housing is concerned, I think the social need for housing, the actual market need for housing, is the key argument that we would use, rather than the economic growth argument.

Q90 George Hollingbery: Perfect. So I am going to see all developers put their plans into the local authority, be entirely happy when they are rejected...
and not use the economic growth argument to try to justify them out of plan? Is it not going to happen?

John Slaughter: They will not just be able to do that, because the presumption requires any application that is considered when there is no local plan in place to be looked at in relation to the Framework as a whole, which includes the society and environmental considerations. In that sense, the Framework is a default local plan. It is a substitute for a local plan where it does not exist. I think these concerns, although we understand why they have been raised, are overdone in practice.

Q91 Mark Pawsey: There seem to be two views coming across already; one that there are not enough consents and we need to generate a system that creates more consents, and the contrary view that there are sufficient consents already in existence and that we do not need to go out of our way to find additional land for development. The NPPF refers specifically to the presumption in favour of sustainable development, which you have just referred to. In isolation, is that going to lead to more houses and more development or is it not going to make any difference? I wonder if the fact there are, within the system, so many consents already in existence and that we do not need to go out of our way to find additional land for development, whether it is housing or any other. I agree certainly that the issue is not just about quantity; it is also about quality. Where these consents are expressed, essentially a social good. There are many who would argue that you do not want to suck yet more resources back out of productive investment into the housing market. I am not getting involved in that argument here, but it is not automatically economic growth to build lots of houses in the countryside. Where it clearly is an advantage, I believe, is to renew and develop the commercial infrastructure of big cities. That was neglected in the 1980s, when we last had a let-rip period. It was terrible what happened. It is just going to happen again; we will have another 10 years where we let rip. I think it will be a pity and I genuinely do not think that it will be conducive to economic good to suck more resources back to the housing market.

Q92 Mark Pawsey: And more development?

John Slaughter: And more development, but more development that is realised according to the wishes of the community, in the locations where the community wants to see it, whether that is brownfield land or otherwise, according to whatever the best solution is in that area.

Ian Fletcher: It does contain protections in terms of where that development is high. It is not supporting all development, if you can prove there is harm being created in allowing development through the protections significantly and demonstrably. There already is something in there that basically says harm trumps all.

Q93 Mark Pawsey: Sure, but leaving that aside, will the Framework lead to more development and housing that would otherwise be the case?

Ian Fletcher: I think so; I agree with my colleague.

Ben Cowell: I agree certainly that the issue is not just about quantity; it is also about quality. Where these houses are built matters and the nature of the development, whether it is housing or any other. I wonder if the fact there are, within the system, so many permissions already for houses that have yet to be built suggests the evidence is not quite as clear-cut as my colleagues may suggest. At present, our understanding is the planning system is not holding back development; there is a whole range of other factors that hold back economic development.

Q94 Mark Pawsey: Would the adoption of the Framework lead to more land coming forward for development and more development taking place? That is the key question.

Sir Simon Jenkins: A lot more land will be speculatively acquired. It will sit in land banks. I repeat what I said at the beginning: I see no evidence at all that will increase the pace or quantity of development. I just do not see it.

Q95 Mark Pawsey: So it is not going to have any substantive effect on the amount of new housing that we build, the amount of new commercial development that takes place?

Sir Simon Jenkins: There are two things. It is rather important: there is a difference between housing and economic development. Housing is, in terms that have been expressed, essentially a social good. There are many who would argue that you do not want to suck yet more resources back out of productive investment into the housing market. I am not getting involved in that argument here, but it is not automatically economic growth to build lots of houses in the countryside. Where it clearly is an advantage, I believe, is to renew and develop the commercial infrastructure of big cities. That was neglected in the 1980s, when we last had a let-rip period. It was terrible what happened. It is just going to happen again; we will have another 10 years where we let rip. I think it will be a pity and I genuinely do not think that it will be conducive to economic good to suck more resources back to the housing market.

Q96 Mark Pawsey: Sure. But you think there will be more development as a result of the adoption of the policy? We could argue about whether it is good or bad development, but there will be more.

Sir Simon Jenkins: You will get a lot more of the Stroud/Cheltenham/Gloucester corridor. Yes, you will get a lot more rural housing estates.

Q97 Mark Pawsey: So more will take place?

Sir Simon Jenkins: More basically pretty unsustainable housing estates will occur, yes.

Q98 Mark Pawsey: Can I move on to the issue of “significantly and demonstrably”? That is where the presumption is in favour, unless the adverse impacts of land development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Can I ask you about your interpretation of the words “significantly” and “demonstrably”?

John Slaughter: As I understand it, they have a reasonably long tradition in terms of planning law. This goes back to the 1971 Act, I have been informed. I was not around at the time, but I am reliably informed it goes back that far. It is a concept that is well understood in terms of planning speak and law. Again, I think it has to be interpreted in relation to the provisions of the Framework as a whole, so you would have to look at all the main policy provisions in the Framework before you actually reached a judgment about whether a development was acceptable and would cause those serious effects.
Q99 Mark Pawsey: Does it change the mix between the three pillars—the economic, social and environmental components? 

Ian Fletcher: No, I think it balances them out.

Ben Cowell: With all respect, one of the problems is this phrase is repeated some 10 times through the NPPF and is not defined particularly. To refer to a definition of “significance” being “not insignificant”—we are into tautological realms here—may not prove that helpful in terms of giving a clear steer. Certainly it would be left to lawyers to resolve in many cases. The point about it is it shifts the burden of proof quite clearly on to planning officers and away from developers. You are being forced to prove that there is harm, as opposed to the other way around. At a time when local authority planning officers and planning services are reducing in size, that feasibly is not in there is automatically presumed to be excluded.

Ian Fletcher: The more you define, then whatever is more appropriate in a prosperous part of the South East may not be appropriate in a more deprived area in the North.

Sir Simon Jenkins: But someone will say we need more houses.

Ian Fletcher: The more you define, then whatever is not in there is automatically presumed to be excluded. It can actually be harmful.

Q100 Mark Pawsey: Is your concern the inclusion of that phrase may lead to some unacceptable development taking place that might otherwise not take place?

Ben Cowell: Yes, it is. Because it is undefined, no one quite knows where this is going to end up. Absolutely there could be a danger that poor-quality developments get through as a consequence.

Sir Simon Jenkins: Adverbs make bad law, and any lawyer who has looked at these phrases has said the same thing to us. For goodness’ sake, just beware. Significant to whom? Clearly a housing estate in a North may not be appropriate in a more deprived area in the South.

Q101 Mark Pawsey: Is not the interpretation of that going to depend on local circumstances? What may be appropriate in a prosperous part of the South East may not be appropriate in a more deprived area in the North.

Sir Simon Jenkins: But someone will say we need more houses.

Ian Fletcher: The you define, then whatever is not in there is automatically presumed to be excluded. It can actually be harmful.

Q102 Mark Pawsey: You would like to see a tighter definition.

Ian Fletcher: No, I think the definition is correct.

John Slaughter: You have to allow for the fact that circumstances do vary from area to area. In terms of balancing sustainability, a point we made in our written evidence is that, in some areas, you would probably in practice give more weight to environmental factors, and in others—

Q103 Chair: There are no spatial attributes to the plan at all, are there? It is not mentioned at all in the guidance.

John Slaughter: Spatial issues are another matter.

Q104 Chair: Surely that is what you are talking about. There is a difference between a poor area of the North and the South. National parks, for example, a very particular circumstance, are not referred to.

John Slaughter: The spatial side of the NPPF is an issue that many people have commented on. You would certainly get a spatial approach within a local authority area in drawing up their plan. The issue is above the district level and, as you point out, whether there needs to be a spatial element in terms of regional and national issues. We can see that is a reasonable point to raise, but I was not specifically addressing that in my earlier comments.

Q105 Simon Danczuk: I wanted the witnesses’ views on one or two articles that appeared. I was reading the Daily Telegraph last month, so that I know what not to think, and one of the things that it said, and I am quoting here from 9 September, was “dozens of property firms have given a total of £3.3 million to the party”—the Conservative Party—“over the past three years, including large gifts from companies seeking to develop rural land.” I just wondered what the witnesses’ views were. Two questions: do they think that is old-style politics or a new way of doing politics? That is the first question. Second, do you think the developers have got value for money in terms of the NPPF?

Ian Fletcher: I can say it is an irrelevance. The NPPF was predominantly put together by a group of practitioners that included the rural development side, the local government side and somebody representing the environmental side. Their draft is pretty close to the Government’s draft. Any support that has been given by property developers to any political party is, quite frankly, nothing to do with this.

Q106 Simon Danczuk: Are you saying it is coincidental?

Ian Fletcher: I am saying it is an irrelevance.

John Slaughter: Yes, I would agree. I do not think there is any evidence to connect the two at all. Quite frankly, I am not aware of what the donations are. I have no information or knowledge of those, so it would be very hard to take an opinion about that. The process has been conducted in a normal way, with a consultation. We had a Green Paper before the election from the Conservative Party that has informed the adoption of the policy. There has always been dialogue around that, but I do not think there is...
any evidence that has been other than a normal discussion process.

Ben Cowell: I do want to make a point about the consultation process certainly. I think the practitioner group that came together was four people, of whom one was someone from an environmental charity. The consultation has taken place over the summer. It began a day or two after Parliament went into recess and it closes today. I wonder if allowing the minimum period for consultation and allowing it to happen over the summer break is quite the right process that we should have gone through for something as complex and as sensitive as this particular policy. I do wonder whether there ought to be more time for debate and discussion, such as we are having today, and I would certainly welcome that.

Q107 Simon Danzucker: Simon, do you have a view? Sir Simon Jenkins: I have a view. Simon Danzucker: Share it with us.

Sir Simon Jenkins: I am not sure I can contain myself. The Conservative Party went into the election with a pledge to establish third-party appeal against planning permission. They have mysteriously reneged on it. This process has been the scene of the most intensive lobbying I have seen in a long time in this game. The sums of money involved are huge. There are very, very big interests involved in rural housing development. There are relatively smaller interests involved in brownfield development. The brownfield presumption has been dropped. You only have to go through this document with a mildly sceptical air and you will see one fingerprint after another. Let us put it like that. The National Trust has no financial interest in this at all; none of us has any money at stake. We are only involved as we are because our core mission requires us to try to defend the landscape, the countryside, in Britain. We are up against some very powerful and very rich people.

Q108 George Hollingbery: We were talking about sustainability and I just wanted to push that a little further. We have this clause about absent, silent or out of date. To develop a theme I was pushing earlier, what happens when a developer finds some information that is not available in the local plan or has not been presented to the local plan? I was wondering if any of you have any idea how we deal with this distance, this tension, between the precedence of the local plan but the NPPF saying at the time that, where it is absent, silent or particularly out of date, the NPPF will predominate. I just wonder whether it would be possible to inspect local plans more regularly on a light-touch basis, so every year or perhaps less than every year, so that developers always have a chance to bring in their new information so nothing comes out of the woodwork. Do you have any ideas of that sort that would allow the local plan to be prime and make sure that local people's views were always the ones that came first? I want you to try to find some way of achieving that, which I think is what the policy wants to do, but I do not think it does at the moment.

John Slaughter: That is an entirely reasonable suggestion. I confess I do not think we had enough time and space with the public debate about this issue to have thought that far ahead. It is certainly an issue that needs to be considered, and a light-touch process, yes, would make a lot of sense. I do not think anyone wants to get bogged down in interminable bureaucracy in terms of renewing plans when you do not need to, but clearly life does move on, both in terms of the economy and local wishes. We need a sensible way of dealing with that. I think in principle that kind of approach we could probably support.

Q109 George Hollingbery: A local factory could go out of business. All sorts of things could happen. A local planning grant for £3,000, and suddenly the developer goes out of business. Three to 10 years down the line, that is not going to be developed. How do we react to that? How do we keep those plans up to date? How do we ensure that local people's views always remain positive?

Sir Simon Jenkins: You either do not believe in planning or you do. You cannot plan without a plan. You cannot just make a decision on a planning application on appeal, which is what would be the consequence of this Framework in its present form. Somehow or other, this country has to get a plan again. We used to have county structure plans; they are now going to be district plans, but we have to have plans. I think the Localism Bill and much in the Framework are a constructive approach towards trying to work out how can plans be locally responsive. Your suggestion that they need to be updated in the light of local opinion is very good. There is a way forward: I am absolutely sure. What clearly is going to be a gift to lawyers is if you allow any planning application where there is not a plan in place—because it is silent, absent or all this curious list of adjectives—to go automatically to appeal. And in appeal on the basis of the Planning Framework document, it will go ahead. I do not think that is planning at all; that is licence.

Q110 James Morris: Going on from what George was asking and what you were saying, don't you think it is dangerous to see the NPPF in isolation from the rest of the policy that the Government is pursuing, for example in the Localism Bill. The Localism Bill provides significant new powers for local communities to determine their own plan. As I referred to in the question last week, this debate has been quite bizarre, because when we were talking about the Localism Bill, the development community was pressing back saying, 'Actually, this is going to be a charter for nimbysm,' and since the NPPF has been produced, the National Trust and other groups have been arguing it is a charter for concreting over the greenbelt. Isn't it actually the reality that we have come to a point where we have a balanced policy that is empowering local communities through the neighbourhood plan and through the local plan, and stimulating growth still tied to an idea of a presumption around sustainable development? Have we not, in the end, come to a balanced policy?

John Slaughter: I would say that we probably have. The other way of looking at this is that, because more power is being devolved to local authorities and neighbourhoods through neighbourhood planning,
with that power has to come a responsibility to plan positively and properly. That is the balance that the Framework and the Localism Bill are trying to create. It certainly was not unchallenging to our perceptions a year or so ago that we were going down this route, but, as we have come to understand the Government’s thinking better, we can see that there is an opportunity that this might work and create a less adversarial system than we have had in the past.

Ian Fletcher: Both the neighbourhood planning and the NPPF are coming, pincer movement, to try to ensure that local authorities have a positive planning system and a local plan in place. In that respect, there are some mutually supporting parts of the two different bits of policy. Ultimately there has to be that system. It is very difficult to put in place a neighbourhood plan, not impossible, without having a local plan there, but you then are relying on being adherent to the National Planning Policy Framework.

Sir Simon Jenkins: I think there is a real problem under a Localism Bill. You will have parishes, as the defining local entity, possibly up against these new forums. The forums I have a problem with; the parishes I have no problem with. The forums are un-elected bodies. They are brought together at meetings. They can be composed of businesspeople or employees, not necessarily residents. They will find that where their proposals for development are approved by the plan, by the district, but the parish for some reason or other local people oppose it, every single planning application will end up before the European Court. I cannot imagine a better recipe for judicial review than the obvious confusion built into both the Localism Bill and the Planning Framework, though particularly the Localism Bill, between the neighbourhood plan and the plan. You could argue that it can be adjudicated on the basis of the Planning Framework were the Planning Framework to be more specific. The Planning Framework is so vague you will have one row after another. I just find it inconceivable that this document is going to yield you faster, clearer and more certain planning. It really will not. It will be the NHS all over again.

Q111 James Morris: You mentioned earlier the need to localise the planning system. What is your alternative?

Sir Simon Jenkins: I am entirely in favour of that, but if you have a system in which the local community cannot oppose local development, their plan has to include local development. It has to include more housing. It cannot propose stops on development. If it does, it will not be approved by the plan. If the plan does not approve it, they will sue. Over and over again, there will be court cases deciding on contentious planning applications. The great virtue of the old system—I hesitate to preach its virtues—was it was at least pretty certain. Under structure planning, you knew more or less where you were. Developers knew which areas to direct their development towards. If I was a developer, I would be very worried about this.

Q112 James Morris: Do you not see any virtues in the simplification of the planning system that is being proposed? This whole bureaucratic apparatus of 1,000 pages of planning guidance, do you not think there is a virtue into reducing that into something more comprehensible and simplified?

Sir Simon Jenkins: There is no simplification; it is a massive complexity. You have two tiers for a start. You have this concept of the neighbourhood plan, which I like. You then have the local plan into which it is fused. You then have a whole series of top-down directives, particularly on housing, which they have to adhere to. You have then got the National Planning Policy, which it all has to adhere to, and every one of these stages is going to be actionable. I plead with you: do not think this is a simplification. If you want a simple planning thing, I could have written this document in two pages, because most of it is repetitive. I am entirely in favour of simplification, but this is not simplification; it is making it more complicated.

Q113 Chair: Is that complicated in terms of the words or in terms of the process and the relationship between the different levels?

Sir Simon Jenkins: The language is so vague as to be easily actionable and the process itself has new tiers latched on to it. It is the opposite of making it simple.

Ben Cowell: There is a lot more work to be done to clarify the relationship between neighbourhood plans and local plans—that is for sure—and also to clarify the nature of the supplementary guidance that will inevitably be created around this Framework. Whether it is created by Government or, in this case, by Government agencies or other participants in the planning system, there will inevitably have to be supplementary guidance, because you cannot simply throw away the guidance and wisdom in the PPSs, as they currently are, without replacing them with something. I would contend, if you want to give certainty, clarity and make the system work.

John Slaughter: The Government certainly has aimed, as I understand it, to share all the key policy aspects of the existing Planning Policy Statements, and that is right. Everyone has recognised that there will be a need for some supplementary technical guidance to go with that, but the merit of having less rather than more on paper is that you avoid an overly tick-box prescriptive approach to planning policy, which we would say is one of the problems that has developed over many years with the plan-led system, and has contributed to making it rather unwieldy and unworkable. This is actually about empowerment and liberation. Of course, no such process is without any risks, but we feel it is a risk worth taking in the sense that it will create the opportunity for a more innovative approach to finding solutions at a local level.

Q114 Bob Blackman: A lot of this is concentrating on the rural planning issues, and I understand that. I have more interest in the urban planning issues personally, from my own perspective. Can we just be clear? Obviously we are talking about the National Planning Policy Framework, but there is also the correlation with all the other local issues. How useful do you find site-specific plans, from a builder’s
perspective, so that there is certainty over what will be allowed planning-wise? Is that something that you would like to see continue?

**John Slaughter:** Yes, essentially. In terms of housing—I can only really speak in terms of housing directly—the key thing is that the Framework requires not only an assessment of all housing requirements of various types, from market housing to social housing for the local area, but then, having had that process of assessment and identification of requirement, there is a responsibility to provide a deliverable five-year land supply for that, which is essentially the point you are making. That is a key thing from the developer’s perspective.

**Q115 Bob Blackman:** It is not just that. When I talk about site-specific proposals, the presumption is that something in a planning application, given these circumstances and this land, would be permitted, but forget anything else. That is the basis on which those proposals may be made.

**Ian Fletcher:** Our members have found that approach really helpful. There are things coming on to the statute called simplified planning zones. Our member SEGRO used one on the Slough Trading Estate, and it made the difference between a Vodafone factory coming to the UK or going to Spain, because you had the clarity and certainty upfront and knew what was required of you from the planning system. Not many local authorities have used those sorts of tools, and I do not really understand why.

**John Slaughter:** This is one of the areas that has not worked as well as it needs to up to now, and there is an opportunity to address that with the reforms. The more you can be clear about this, the better. I guess I was really referring in my earlier comments that there is a balance to be struck sometimes between being able to identify every single site and having a more strategic vision about roughly where development will go. When you look at the neighbourhood plan level, one of the opportunities that the Government has put forward for neighbourhood plans is to have that view about the development goes. You might not necessarily have such a clear site-by-site identification in the local plan.

**Q116 Bob Blackman:** Would that satisfy the National Trust and others, who are obviously concerned about the certainty of fighting all these battles and the incremental loss of land? There would be certainty by site-specific proposals by local authorities.

**Sir Simon Jenkins:** Well, where the neighbourhood is allowed to say, “We do not want development here,” but that is a problem in this document. But broadly speaking, I have no problem with that at all. As far as I am concerned, almost everyone wants certainty. A huge amount of effort just goes into fighting and fighting and fighting these battles. It really was not the case when you had structure plans. You must have certainty in planning or you get lawyers.

**Q117 Heidi Alexander:** I actually have some questions about the removal of the brownfield-first policy and the effects of that but, before I move on to that, I would just like to pick up on this apparent tension between localism, neighbourhood planning and the National Planning Policy Framework presumption in favour of development. Can I just ask the Home Builders Federation and the British Property Federation if your experience is the same as ministers’ experience in terms of local communities coming forward and saying, “We want to see more development in our area”?

**John Slaughter:** It probably has not tended to be traditionally, but that is the opportunity of the changes. Quite seriously, at the party conferences what struck me was hearing some district councillors talking about the opportunities of neighbourhood planning and being extremely positive about the opportunities. This may be more of a market-town/ rural phenomenon than an urban phenomenon. The other thing that struck me a few years ago was talking to councillors at Elinor Goodman’s Affordable Rural Housing Commission. A lot of rural areas felt frustrated by the fact that the previous regional plans, because they had an urban concentration policy, actually prevented them having the development they wanted in their communities. They felt the future of their communities was threatened by that. I think there are certainly some cases where we do hear the message that we want to do more and the old system has not allowed us to do it. I guess it would be wrong to say that is a universal message, but it is certainly not the case that there is not any feeling like that out there.

**Q118 Heidi Alexander:** The Government has said that neighbourhood plans have to be consistent with local plans and can have only housing that is consistent with that local plan. I wonder whether you are actually not that concerned about neighbourhood plans now, because essentially, now the Government has clarified that it is not really about empowering communities at all; it is actually about enabling more stuff to be built.

**John Slaughter:** I am not sure that is quite right. Yes, there has to be consistency. This is part of a bigger point, which I would like to make briefly. You cannot have opting out about certain things in the system, because otherwise that is detrimental to other communities, so there has to be a central requirement to look at housing needs, housing requirements, in local areas. The neighbourhood plan needs to be consistent with the local vision, otherwise you will have a problem within the district. If one neighbourhood does not want to do anything at all, it creates a bigger problem for other neighbourhoods in that district. I think that is intellectually right. Having said that, they then have the option to determine where the housing is located within their neighbourhood. They can have policies about the design and other aspects of housing delivery. It is quite empowering. In practice, our members are going to have to engage a lot more perhaps than they sometimes have done in the past to make that system work.

**Ian Fletcher:** Our members’ experiences have been slightly different, in that the majority of what our members are doing is brownfield development; it is
long-term investment in delivering predominantly commercial property. In those circumstances, the community can see the jobs and the rationale for that development. The frustration that our members often feel is that it can only take one or two members of the community to significantly delay or even sometimes stop a development that has been agreed by the wider local community and local authority.

Q119 Heidi Alexander: Can I just ask the rest of the panel of witnesses for their views on the removal of the brownfield-first policy and what you think the effect of that will be?

Sir Simon Jenkins: The effect of it will obviously be to go where the money is, which is into the countryside. It was one of the really specific, effective and measurably productive innovations of the last Government, and it shifted the balance of development back towards urban renewal, where it had not been in ages. I often think most land-use decisions tend to reflect markets rather than planning, but that was clearly a planning policy that made a difference. I care about the renewal of cities. Apart from anything else, we come back to this word “sustainable”. I tell you one thing: a planning application requiring a sustainability certificate is going to be 50 pages long. You can just see it coming. HIPs are Tweets in comparison with these sustainability statements. The overriding planning requirement for sensible reuse of the land area of Britain is to renew the cities and the towns. It is not to build over the countryside. The countryside does not have any relevance to that. I feel so strongly that, if you are being sustainable, you are using parts of the country where you have roads, schools and labour in place. You have sewage, water and utilities. They are all in towns. This whole discussion is a distraction caused by the fact that quite a few companies want to build houses in the countryside and they want to do it for money. I have huge respect for them—I am a good neighbour of houses. But we need to be building in towns, and that is not the countryside. It was one of the really specific, effective policies of the last Government, and it shifted the balance of development back towards urban renewal, where it had not been in ages. I often think most land-use decisions tend to reflect markets rather than planning, but that was clearly a planning policy that made a difference. I care about the renewal of cities.

Ian Fletcher: I get really frustrated about this policy. Brownfield policy for me was never just about the environment; it was also about the social and economic sustainability of an area. What seems to have happened in the NPPF is that brownfield policy is being distilled into being environmental. We have this clause, phrase, in terms of lowest environmental value, which I just think is totally wrong. Brownfield-first has to be a little bit more subtle and sophisticated than just to add reiteration. There are some good circumstances where the community itself may not want brownfield land developed into factories or whatever; it might want to turn it into a city park. In those circumstances, there should be some exception. The other thing I think we have to be careful about is that brownfield policy worked in the 1990s and the 2000s, not only because planning policy was driving it in that direction but because there was frankly a lot of money coming from RDAs, English Partnerships and the Homes and Communities Agency that supported that policy. I am slightly fearful that, if we have planning policy saying brownfield first but do have that funding following it, we are actually setting up quite a bad situation in the North and Midlands of the country. We have put into our written submission that perhaps a way around that is to make the availability of funding for land remediation a material consideration in the planning application, which stops where you are wanting to put in a B&Q distribution centre. The land remediation funding is not there, and it still means that it ends up in Cleethorpes rather than Colchester.

Q120 Heidi Alexander: The National Trust and the British Property Federation both want to see a brownfield-first policy back in the NPPF, albeit one perhaps improved. What about the Home Builders Federation?

John Slaughter: No, we do not want to see that in there. We did not feel that it worked in the way that it was intended to work. I say this on the basis that the industry has been building a lot on brownfield sites, but it comes back to the fact that the system has not delivered sufficient land to meet our housing requirements. If you look at the figures, there is not enough brownfield land available in the near-term future to realistically—

Q121 Heidi Alexander: How many existing planning permissions are there on brownfield land that have not been built out yet?

John Slaughter: I do not know.

Q122 Heidi Alexander: I think there are quite a few, are there not?

John Slaughter: Yes, but there are not as many… If you take the figures that the National Trust has used, 280,000 to 300,000, that is not very many in terms of actual housing need and what output should be, because we should be building over 200,000 homes a year. That is not actually a massive pipeline of land. We have a shortfall of 1 million homes that has built up and we need to be building 200,000 to 250,000 homes a year. That does not actually go very far. If you build at average densities, according to the data available from the Homes and Communities Agency, on available brownfield sites, you might be able to build some 600,000 or so more homes, but that is clearly not going to be enough. At the build rates we should be building at, that would be less than three years’ supply. We have to have a system that actually delivers. We should be as sustainable as possible, but I agree with Ian; brownfield is not necessarily the same thing as a sustainable location and there are other considerations. The balance of the Framework is better in giving a more flexible approach to determining what is the most sustainable solution in the local area.

Q123 Heidi Alexander: Do you see more homes on greenfield sites as a result of the NPPF?

John Slaughter: Unless you were to build at density levels that most communities would not accept, then you would not be able to meet housing requirements just on brownfield land. The system will have to deliver greenfield sites as well.

Q124 Heidi Alexander: The answer is yes.
John Slaughter: Yes.

Q125 Chair: There is a juxtaposition of two changes in the NPPF that might really worry people. It is the removal of the presumption in favour of priority being given to brownfield sites, and it is the 20% contingency that was put in there as well. The concern will be that, after five years, if the number of houses built is that estimated to be the requirement, with the 20% contingency still remaining not built upon, the 20% that will be left will actually be brownfield land. In other words, by having the two policies together, the removal of brownfield-first and the 20% contingency, you will allow developers to cherry-pick which sites they build on. Surprise, surprise: they will cherry-pick the greenfield sites and leave the brownfield ones in reserve.

John Slaughter: It is a fair question to ask. I do not think that would be the situation, because the responsibility, as the Framework is drafted, will be for the local authority to identify the five-year plus 20% land supply. It will have the opportunity to make sure, as far as possible, that land supply is on brownfield land. But that is to do it in a way that would be for brownfield sites are deliverable. I do not think the 20% flexibility margin will affect that situation in practice, because you need to be forward planning for longer than five years in terms of the local plans.

Q126 Chair: Most developers have a mixture of greenfield and brownfield sites. If the presumption is not in favour of building on brownfield first, then it will be the developers who choose.

John Slaughter: There is nothing in the Framework that prevents a local authority having a very heavily focused brownfield-land supply policy, if the land is available. The responsibility on a local authority is to identify those sites in a transparent way, which gives the industry confidence that they are available and developable in that timeframe.

Chair: We may come back to that point with the ministers later on.

Q127 George Hollingbery: Sorry, we are a little over time and it is mostly my fault—I apologise—but we have not discussed the interregnum. When councils do not have plans in place, what happens in between times? I think it is very likely the Government is going to find some way of waiting a little time. Should they wait completely, have no change and be driven by the RSSs—or not the RSSs but existing plans—up to, say, a year, two years, five years, whatever they choose; or should there be a system whereby the emerging local plan—one that has been documented, published regularly but not inspected—has increasing weight in the process; or is there another way I have not thought of?

John Slaughter: It is a very difficult question. To be honest, no one has got to the stage of discussing this in detail yet. The starting point is that there cannot be a gap. If you are looking to develop, then we need to have a manageable transition so that, where you have a reasonable application to put forward, there is going to be a basis on which it can be determined fairly. You are clearly going to have a range of situations. Where there are authorities that already have adopted core strategies, that is one thing. Where they are close to adoption, that is slightly different. Where they are a long way from adoption, that is different again. I do not think it would be reasonable to have an indefinite period when the aspects of the Planning Framework did not apply. You are probably essentially right: where there is not necessarily an up-to-date plan, and therefore there is no evidence base against which applications can be judged, the only evidence base that is likely to be available is from the regional plan process.

Q128 George Hollingbery: Assuming there is a reasonable process for certification of those authorities that do have a plan in place and that happens expeditiously—I do not want to explore that at the moment—for those that have not got a plan, whoever is best placed to answer the question, which way should we do it?

Ben Cowell: I agree with a lot of what has just been said. There should be a managed transition. It might be as much as two years, but that would be for discussion and would be what the Government would forward with a proposal, which we have not seen yet. The worst possible scenario would be that the NPPF applies. Unfortunately, we see that it already does apply in many cases. There ought to be a managed transition to a new Framework, a new policy situation. Local authorities should be given up to two years—I think that is perfectly reasonable—and they should be held to that. We believe in a plan-led approach, so that would be a success as far as we are concerned if there were plans in place at the end of those two years.

Q129 George Hollingbery: An emerging policy approach would be more attractive.

Ben Cowell: Yes.

Sir Simon Jenkins: There is an urgent need for the Minister to make a statement because, at the moment, the Planning Policy Framework document is taken as being effectively the regulation. You have cases coming forward every week. You have the Yeovil one, the Fakenham one, and the Redditch cases; we are monitoring them. In each of these cases, the inspectors are virtually saying, “The only policy I can go on is this document, and this document allows development.” There is no definition of sustainability for them to test it against. There is an urgent need for them to say, “I am sorry; the presumption in favour of brownfield remains. I am sorry, but sustainability means this.” We do need something urgently, because otherwise goodness knows what is going to happen in the interregnum.

Q130 Mark Pawsey: Can I go back to the issue of brownfield? The process of de-industrialisation can only go so far and there is only going to be a limited amount of brownfield land. Do those who support the brownfield-first policy as they do believe that brownfield land will last forever and, given this Framework, is going to last us sufficiently for the future? It would then be legitimate to move on to greenfield. In the event where you have an authority that has used up all their reserves of brownfield land
but has a desire for new housing, and there is an adjacent authority with brownfield land, are you happy that, in those circumstances, development could take place in a greenfield site?

**Sir Simon Jenkins:** I start with the countryside and what we want to keep. I have always wanted to list the countryside, and if you listed the countryside with grades of quality, you would end up with an awful lot of green land that you could release for development. The problem is, if you look at it all from the point of view of bottom-up with a presumption in favour of development, it will not be the right sites being developed; it will just be the ones where there is a line of least resistance operating. Broadly speaking, to come back to your main point, I have done a sort of rural rides of urban Britain recently. The de-industrialisation of Britain has yielded so much unused land. Fly over it; take a train; drive through it. There is so much land in Britain lying idle, waiting for someone to do something with it, and we are discussing this. I have to say, if you are talking about a crisis, the crisis is over derelict Britain, and there is masses of it. You raise the question of what happens if it is all used up. I will happily wait for that day.

**Q131 Chair:** Are these points true, the house builders? First of all, the change of policy on brownfield-first has led to a bigger percentage of houses being built on brownfield land. Secondly, over the last 10 years, there is more brownfield land that has become available for development than has actually been used.

**John Slaughter:** I think the figures, and these are Government figures that we base our analysis on, do not show that the brownfield-first policy led to more brownfield land come through the planning system. It did not affect the volume of it. All it did was very heavily reduce the amount of greenfield land that was approved, hence the problem of overall constraints on land supply. The industry has, as a consequence, built a higher percentage of housing on brownfield sites, but it has not built a sufficient volume because the land supply overall has been insufficient. There are limits to what densities you can build at in a number of locations.

**Q132 Chair:** There is more brownfield land available now than there was before the policy was introduced.

**John Slaughter:** I am not sure that is the case, no. I do not believe it is. If you look at the figures produced by what is now the Homes and Communities Agency, in terms of the national brownfield or previously used land database, it has not shown a big increase or change in the amount of brownfield land that is out there. Of course, it is not all available. If you look at the analysis, slightly over 50% of the land that is identified as potentially suitable for housing is not actually available for development.

**Chair:** Thank you all very much indeed for coming and giving your evidence to us.

### Examination of Witnesses

**Witnesses:** Mike Holmes, Director, Planning and Transport Services, Bournemouth Borough Council, Stuart Hylton, Head of Strategic Planning and Transport, Planning Officers Society, and Councillor Gary Porter, Leader, South Holland District Council, Local Government Association, gave evidence.

**Q133 Chair:** Good afternoon. Thank you very much for coming to our second evidence session in the inquiry into the draft National Planning Policy Framework. Thank you for the written evidence you have already provided and for coming today to give oral evidence as well. Just so we can get our records straight, could you identify who you are and the organisations you represent?

**Councillor Gary Porter:** Gary Porter. I am from the Local Government Association and I think, for the avoidance of any doubt, everybody needs to be aware I was one of the four practitioners who drew up the pre-draft draft.

**Stuart Hylton:** Stuart Hylton, Head of the Berkshire Joint Strategic Planning Unit. I am here on behalf of the Planning Officers Society.

**Mike Holmes:** Mike Holmes, Director of Planning at Bournemouth Borough Council but here as President of the Planning Officers Society.

**Q134 Chair:** Okay. You are all welcome. As I said to our previous witnesses, if there are issues you agree with another witness on, just say, “I agree”; there is no need to repeat it. That way we can get more issues discussed. The Government is saying that it wants to reform the planning system to make sure we get more growth in the country, and the planning system can help that by speeding things up. Is the change in the NPPF really about speed, or are we really looking for changes of process rather than the change of policy and guidance that is proposed here?

**Councillor Gary Porter:** From my perspective, it was not about the speed of the system; it was about the public’s understanding and buy-in to the system. At the moment, local communities have planning done to them and not done with them and for them. Hopefully we will have a planning system that ordinary people can understand rather than only people with planning degrees; perhaps then we will get more engagement with the system. I am a great believer that the existing system is far too complicated and does not deliver houses of the right sort in the places that people want to live in. A new system should give us a better chance of delivering that.

**Mike Holmes:** We come to reform again, because this is not new. Go back to 1979 and the same points were being made about the planning system causing delays; “jobs locked up in filing cabinets” was the quote at that time. Certainly there has been a growth in the advice and guidance that is available to local authorities and the development industry, but I would assume too much importance for the planning system
to say that is the only reason why development is not happening at the moment, particularly as we have already heard about the number of planning permissions that exist and the processes that are already in place. There are things other than planning that are impeding economic growth at the moment.

Stuart Hylton: The main impact of the changes will be so much on bringing forward economic development but more on the localism agenda. The simplification would be, as Councillor Porter said, a very welcome easing of the system as far as local people’s participation is concerned, but I am not aware of many major developers who are sitting there thinking, “I’m not going to make that planning application until such time as the Government simplifies its planning policy.” I think there are other much more important factors that are driving decisions about whether or not to take forward development.

Q135 Chair: Such as?
Stuart Hylton: Such as the economic climate and the availability of finance.

Q136 Chair: Aside from the guidance, do you think it is a matter of process as well? Are there problems with that, particularly for smaller businesses? We had some evidence last week about smaller businesses saying the thing is so complicated, just in terms of putting an application in and having an understanding of how that might work through, and having to appoint consultants and all the cost and expense. Is there anything that could be done there alongside this?
Stuart Hylton: It is a question of whether the system that emerges does turn out to be simpler. On the face of it, the statement of policy that we have before us now is a much more accessible document than the 1,300 pages that we have had to deal with previously, but my fear is that it will very quickly get crawled all over by smart lawyers looking for a way round it—that it will soon become bogged down by case law and possibly conflicting decisions made by the Planning Inspectorate, and will become in some ways more opaque and more difficult to work in.

Q137 Stephen Gilbert: Everyone it seems is in favour of localism and everyone seems to be broadly in favour of simplification; it is a bit like motherhood and apple pie. But there seems to be a conflict between the devolution of powers to neighbourhoods to create neighbourhood plans—that buy-in that Councillor Porter was talking about, so local communities do not have planning done to them anymore but can do it for themselves—and a National Planning Policy Framework that some people argue is not simple, is complex, is potentially a lawyer’s charter and undermines, to some extent, local decision-making ability because people are being given with one hand as it is taken back with another. Do you see a tension there? Do they sit comfortably with each other? If not, how can that tension be resolved?
Councillor Gary Porter: Providing local councils get enough time to put proper, truly accountable local plans into place, there should not be a tension. As long as the policies in the NPPF can be reflected at a local level to suit local circumstances, that tension should be removed. Neighbourhood plans should then be able to fit into a local plan so communities will be able to determine for themselves where development that is needed goes. What they will not be able to determine is the fact that they do not need any. If the evidence base shows that there will be a need, then that will have to be able to be met. But the importance, from a local government perspective, is that local communities through their local councils can determine for themselves where that goes, not the current perverse system where an unaccountable, unelected, regional quango can determine what numbers go where. We have seen that that fails. In some parts of the country they have had to take development that they do not need and do not want; in other parts of the country they have not been able to take the development they need and they want. Nationally set, top-down targets do not work, and if we are going to build some homes that people need, it is important they are in places where they feel they take ownership of how that has happened. At the moment, it does not happen; planning is done to them.

Mike Holmes: There is a tension there. The question was asked before: where are the areas where people are looking forward to do their neighbourhood plans to bring forward more development? Talking to members of the Planning Officers Society, we cannot identify many of those; in fact, the opposite. The approaches that have been made to local authorities are often based on trying to stop development or shape it in a way that will not bring the development forward. So there is a real tension there, I think, which is not really brought out or acknowledged in the NPPF as it is drafted.

Q138 Stephen Gilbert: Just before coming on to Mr Hylton, what can be done to resolve that tension?
Mike Holmes: Acknowledgment of the relationship and the tension would be quite helpful in the first place. I think clarity in definitions has also been a theme that has been running through; I heard the debate earlier. The greatest growth of economic development will be in the employment of lawyers if we are not careful; it is that set of unintended consequences. That leads to uncertainties and so on, which the development industry will not want either.

Stuart Hylton: I think neighbourhood planning was sold on a false prospectus or, to put it more kindly, a misunderstanding in the first case. It was seen by many as a nimby’s charter, and I think now the Government is trying to pull that back and get a better understanding of what we are talking about in terms of the balance between local and national policy. It remains to be seen whether communities will feel more engaged in the planning process if they can say that “development will go in this field rather than that field” or be brownfield rather than greenfield while still having the overall number imposed on them by some higher authority, be it the district council or the aspirations of national policy. So there is a tension there.
Q139 Stephen Gilbert: Sustainable development will mean something different in my constituency—in a village in rural Cornwall—than it will in an inner-city location. Do you see sufficient flexibility within the proposals to allow those different local contexts to come through when people are interpreting what sustainable development means?

Stuart Hylton: There are three definitions of sustainable development in the Framework. There is the familiar one of the Brundtland Commission, with the three legs of economic, environmental and social. Reading the statement of the Framework as a whole, many people have come to the conclusion that it is only the economic one that matters, and if you can tick that particular box, then the rest can, to varying degrees, go hang. ‘Sustainability’ has become an even more confusing definition that says sustainability is everything contained in this document. I think that is paragraph 12. What that is saying is you have a definition that runs to 52 pages whose conclusions will inevitably point in all sorts of different directions. What we have argued for is a degree of localism whereby the weighting of the three arms of sustainable development is addressed in terms of local circumstances within the local plan itself. Local authorities already have powers to do this to some degree through their sustainability assessment, but it needs to be embodied in the local plan otherwise this debate about what is sustainable is going to reoccur and reoccur with every planning appeal and with every local plan submission.

Councillor Gary Porter: It should be determined locally by local councils in their local plan; then there should be no confusion.

Q140 Stephen Gilbert: Finally, it seems to me that the issue here—because everybody we have spoken to supports a plan-led approach—is how we get from A to B. It is during the transition period from one regime to the new regime. Could you give us some insight into what you think that timeline is likely to be and how it should look in the areas that do not have at the moment adopted local plans?

Stuart Hylton: Transition is about more than just those authorities that do not currently have local plans. At the same time, what you are doing is scrapping the best part of 1,300 pages of national policy and a whole tier of regional policy, so there will be many authorities that, having already got plans in place that were produced on the assumption that these other tiers would be there, are suddenly going to find important gaps in their policy coverage. They are going to need to do something to adjust to that. Pretty well every planning authority is going to have to go through some form of transition.

What we learn historically about transition is that every major change to the planning system since the war has been followed by a couple of years of downturn in development activity while the new system beds in. If we are talking about introducing the biggest change to the planning system in 50 years in the middle of the biggest recession in the national economy in 50 years, then the consequences could be very serious indeed. We do not need to think about transition quite so urgently as we do about the content of the Framework itself; we have a little bit more time. I think the question you were asking was about the timetable. The figure of two years was being talked about in the earlier discussion. Allowing for the time for the Framework to come into effect, that would take us roughly up to the early part of 2014, which is already a timetable the Government has set for local authorities to have a plan in place so that they can introduce the Community Infrastructure Levy before the clampdown on Section 106 payments comes into effect. So that would seem as logical a timeframe as any.

Mike Holmes: One thing to add to that is the issue of resources. Most local authorities are facing difficulties in finding resources and, in a unitary authority like I represent, it is an issue compared with all the other services that the council provides. Planning may not be the number one priority; you can see where healthcare and so on is more pressing. So it is coming at a time when the resources available for making these sorts of changes are probably at the least comfortable level.

Stuart Hylton: If I can add to that, you need to look at the transition period at what planning is being asked to do. Many authorities have gone through 20% or 25% cuts in their planning policy staff as part of the budget savings, but at the same time they are being asked now to plan at three different levels. They have their day job of doing the local plan borough-wide; they have the hand-holding that they are asked to do with neighbourhoods who want to produce neighbourhood plans—and I know from experience that is a hugely resource-intensive task for local authorities—and they are also being asked to act up strategically and fill at least part of the gap that has been left by the demise of the regional tier. So they are being asked to do a lot more with a lot less, and I think we need to be realistic about what will be able to be delivered within what timetable.

Councillor Gary Porter: I am not sure what the right amount of time is that we need to get there. I probably would disagree that life is not as hard as planning officers would have us all believe, and I am sure that a bit more can still be squeezed out in a few of our members’ authorities, but it is not reasonable to talk about what the NPPF practitioners group asked for, and that was to deliver this immediately with effect of the Bill going live. That is the bizarre bit with the environmental lobby. If I was supported in that group by the environmental lobby that was on that group, then we would have been in a much better place to defend against some of the arguments you have been listening to and have been reading in the press. That short timeline was supported by the RSPB, who were representing the environmental lobby. This is not just the development industry trying to do it at a particular pace; that was the environmental lobby as well.

I am convinced that we will get a longer lead-in time than was originally envisaged, but I am not sure how long. I do not know whether two years is the right length of time. All we have is people from the Planning Officers Society saying it needs to be longer, people from the development industry saying it needs to be quicker, and I do not think anybody has done the piece of work to come up with what the reasonable
length of time is. We all accept that we cannot go live quickly; it has to be a thought-through piece of work if the local plans really are going to be the defence against inappropriate development that we all hope they will be.

Q141 Chair: Given your members are going to have to be the ones responsible for doing the local plans but haven’t got the planning inspectors to sign them off so there may be a delay there, is it possible to do any work with your members to come back to us with an assessment of what they think are reasonable times for them to get the plans in place?

Councillor Gary Porter: The Local Government Association would certainly be happy to play a leading role in trying to come back with some sort of timeframes that are workable. I am assuming that they will agree to that—now I have said it anyway.

Q142 Heidi Alexander: In the previous session, we had some discussion about where the burden of proof lies in terms of whether a development is acceptable or not. There was some suggestion that we had moved from a position where it was the responsibility of the developer to prove that the development was good to a situation where perhaps the local authority has to prove that the development is bad—the whole adverse impacts issue. Would you agree that there has been a shift in the burden?

Stuart Hylton: Everyone has got very excited about this presumption in favour of development, but in fact it was enshrined in the planning system as early as 1923 and it continued in there up until 1990 when the plan-led system came in. Theonus has always been on the local planning authority to demonstrate that there were good reasons why a particular development should not go ahead. So I am perhaps less worried about it than a lot of people.

Mike Holmes: But I can understand the concerns of people that say the burden of proof seems to have shifted in this draft document, or the draft document given some weight. I can understand the concerns of communities in terms of that because they see—to emphasise resources again—local authorities perhaps, in a difficult situation, are not willing to put resources into defending cases where they do not feel there is the strongest case. So I think there is an issue in terms of putting that burden of proof, particularly where the economic arguments are paramount.

Q143 Heidi Alexander: Do you see enough in the NPPF for local authorities, where development is inappropriate—and there will still be occasions where a specific development is inappropriate—to say “no”? Equally, do you see enough in there to be able to positively influence development when initial proposals come forward?

Stuart Hylton: The saying “no” part of it is problematic. I think the wording of the Framework is that local authorities will have to prove there are undesirable consequences in terms of the policies contained in the Framework as a whole. That it is going to undermine national policy is a very stiff test to apply to an inappropriate house extension or a local change of use. It is a pretty rigorous test to go through, and I suspect it will be disproportionate in a lot of cases. So I think that needs to be rather more nuanced. Clearly it is quite right that major development should be judged against the strategic Framework, but more minor development will need a more nuanced and locally sensitive way of dealing with it.

Councillor Gary Porter: They should all be judged against the local plan, and the local plan will only be sound if it is in compliance with national policy. The crux of all of this is the local plan. Councils must be given the time and the ability to provide good, well-evidenced, local plans. If we are able to do that, then the planning system will be left on its own to deliver what we need and where we need it. We know it has failed since 1947. We have never delivered the right amount of homes of the right quality in the right places in this country, and if we do not change the system, we will continue to fail to meet what the country needs. This is the only chance we have. It might not work; it might not be perfect; but if we do not take the chance now while it is there, we will just carry on not delivering the homes that people need in the places they want to live.

Q144 Heidi Alexander: So where the local plans are not in place at the moment—we know about 50% of local authorities have not got their local plan in place—is there enough in the NPPF to resist inappropriate development?

Mike Holmes: It comes down to the emphasis placed, I think. On the reading of the draft NPPF now, I think the argument would be that no, there is not enough in there. There is not enough balancing of all the factors. As we heard before, in different places there will be a different nuance to each application that comes in—how you want to deal with it. Is the economic side paramount over environmental concerns? The way it is set out now, my answer would be no.

Councillor Gary Porter: If there is enough land allocated locally, then the NPPF is all the defence people need—if there is enough land allocated locally. But for that land to be allocated appropriately, it needs to be done so through a local plan. If in my own patch, I need 390 units a year. Once I have got 2,200 spaces allocated for home building, development is shut, even under the NPPF; even if I do not have a local plan in place, so long as I can meet the need. There are arguments around the 20%; that probably needs to be changed. It is a bit perverse having a nationally set target for over-allocation when there is no national target for allocation, so that needs some work. Yes, we do need an over-allocation because local plans always fail to deliver everything that is in the plan. But why have a nationally set target? Why not have a local target determined on history? The same with windfall sites. Windfall sites are not included but should be included against the over-allocation. That way we can still deliver an over-allocated plan but without some of the impacts that other people are predicting.

Q145 Heidi Alexander: Can I just move on to the inclusion within the NPPF of a viability test, if you like? I wonder what your thoughts are on the fact the NPPF seems to say that the commercial recompense
to the developer has to be acceptable—-that was the way I read it—and whether you see that disempowering local authorities again in terms of the ability to say “no” when the appropriate answer is no, or to positively influence development. So I just ask for your comments on viability.

Mike Holmes: My concern is, as drafted, that the issue for the local authorities is: will the infrastructure come forward that is required to mitigate the impacts of development at such a low level? The worst-case scenario for the local community is that they get the development but there is not enough value coming forward from the development to mitigate it in terms of roads and all the other facilities that are required. That is the issue before us. How do you balance that against what may be an upturn in the economy and a greater incentive for developers to look at the development? It is slightly confusing at the moment how that balance comes out.

Stuart Hylton: What the Framework seems to be saying at the moment is that you must plan so that your demands for developer contributions to infrastructure are viable, even at the very bottom of the economic cycle. A plan is drawn up to cover a long period, which will encompass the bottom and the top of at least one economic cycle. By doing it that way, you are going to forego a lot of potential developer investment in infrastructure that is going to be needed if you are going to deliver a sensible package of infrastructure and development. There has been talk of having some sort of sliding scale, but the bureaucratic difficulty of running that would be nightmarish.

Q146 George Hollingbery: I wish local planning was as determinate as you say it is and wish it to be—-that if you say you’ve got 2,000 allocated, that’s it; you’re shut for development. My experience as a local councillor is that is not the case at all and that there will always be a developer out there who can bring forward an application that fits the circumstances of a local plan reasonably well, or finds new evidence that has not been accumulated in the local plan, and can say it is out of date in terms of the NPPF. I suggested earlier that there might be a mechanism that could deal with that, which is to re-allocate some of the resource of the Planning Inspectorate to do light-touch re-examinations of local plans on an iterative basis, perhaps every year. I understand the argument about resources. I absolutely do understand that is tricky. Might that be a way forward where we could protect the primacy of local plans?

Councillor Gary Porter: I think they should be refreshed but not on an annual basis; that takes away the emphasis on planning. There needs to be some certainty in some period where the document is found to be good and sound. But it is like all of what we face: every day things change and we have to adapt. I am sure if the local plans are given the amount of weight that they should be by PINs then they will be fine. At the moment, we have got rogue PINs; we have got planning inspectors who go off doing things that are completely alien to local councils and to Ministers, if you believe what Ministers tell you.

Stuart Hylton: We already have annual monitoring reports on local plans, so that, to some extent, gives you a picture of whether the plan is running according to a programme or is falling behind it or is over-delivering or whatever. So part of what you are talking about already exists; I am not quite sure how much further you want to take it.

Q147 George Hollingbery: What I am trying to do is find a mechanism by which you can re-inspect the plan in a very simple, very straightforward, very light-touch way, such that the local plan, derived by local people, is always the driving force. If you have a local plan that has not reacted to circumstance and been re-certified—which is what I am talking about—-I can see developer-led development happening outwith the local plan.

Stuart Hylton: What you might do is have a duty on authorities to consider in the context of their annual monitoring report whether further changes are needed to the plan. That is implicit in the very production of an annual monitoring report anyway; there is no point in producing the report unless you are going to respond to it in some way.

Q148 George Hollingbery: So make it part of the plan.

Mike Holmes: But you need to have a simplified system; I must agree with you in terms of that. It has in the past been too cumbersome a process because what has happened is you have had to review the whole of the document. One of the good changes of the last system was the ability to take out sections of your core strategy, document or whatever and review that rather than reviewing the whole document. So if there is an issue about housing—-it might be some other thing; it might be about some economic development or some industrial or commercial aspect—that ability was not there historically. It would be good to have the ability retained just to do that review of the right—I was going to say “quick and dirty” but those are not the right words. But it should certainly be quick and cheap in terms of resources for everybody, because the public get exhausted by continual involvement in the system; it is not a bottomless pit for their involvement.

Q149 James Morris: When Stephen was questioning you, you touched on one of the original assumptions around the Government’s change to the planning policy being that historically we had a problem: communities resisted all development because of the confrontational nature of the planning system. Do you think the NPPF undermines the thrust of the policy, which was to empower communities to take more control over their local development, or not?

Stuart Hylton: I do not think it does. You need to look at this policy of empowering local communities in a wider context and think also about the financial incentives that are being put forward to favour development through the Community Infrastructure Levy and the New Homes Bonus. I think you have to ask some very serious questions about whether they will actually result in a Damascene review of public opinion. In the part of the world where I work, there
is no shortage of community groups prepared to spend quite a lot of their own money to resist development. It begs the question of whether the financial incentives are sufficient, but assuming they are sufficient, it is a policy that is worth pursuing and could change the tide away from resistance to development?

Q150 James Morris: But you think the policy is worth pursuing? There might be an argument about whether the financial incentives are sufficient, but assuming they are sufficient, it is a policy that is worth pursuing and could change the tide away from resistance to development?

Stuart Hylton: Well I am certainly not going to say that additional resources into local communities are not welcome, but it does beg some questions about whether the investment in infrastructure that could result from that money is going to address the core concerns of communities who are opposed to development. If you look at the recently published Community Infrastructure Levy Regulations, they talk about them being used for things like open space and cycle ways. Now when was the last time you heard a community resist a proposal for housing development on the grounds that it would bring impossible pressure on their cycle ways? Their concerns are much more about things like an overcrowded road and rail network, which no realistic amount of CIL is going to address.

Q151 James Morris: Do you think it is the case—and others might want to comment—that one of the issues has been that expectations have been raised within neighbourhoods and local communities about the extent to which they are going to be able to influence what happens in their local areas? Is that a danger with this new Framework having come out? Councillor Porter, do you think expectations have been raised?

Councillor Gary Porter: Expectations certainly have been raised that people will have a greater control over their own destinies. But again, if we are given enough time to make sure those local plans are in place, that will be the case. At the moment, planning is done to communities. Government says how many houses we will have to take in our patch, regardless of what the evidence base is and what the community wants. It tells us how many we have to have and how many to an acre. Why? The brownfield argument. Some urban brownfield sites have a much greater environmental impact and benefit for communities than they would do if they were built on. There should be some way for a developer to go on to the edge of a site of the centre and use a commuted sum from that development to turn the derelict brownfield site back into some useable urban green space. The last Government’s policy on brownfield-first was a complete and utter failure. 60% of brownfield development was garden land. It was not derelict Victorian factory sites; it was garden land. The quality of life for some people has been ruined because we packed too many properties into too small an area.

Mike Holmes: I think one of the points has been the issue of infrastructure. I have been to lots of public meetings where this has been cited. People have seen that disconnect between accepting the development and the facilities that they enjoy. That has been one of the real difficulties. The first things you hear at public meetings and so on are where the health facilities are, what about the congestion on the road network and the state of the railway network. The lack of local facilities is a prime concern, and anything to address that would be helpful in changing people’s perception.

Q152 Mark Pawsey: But both in favour of the new regime and those against the new regime have told us how important it is to have local plans in place, yet 50% of authorities do not have a local plan. How acceptable is that?

Councillor Gary Porter: Blame the Government for keeping moving the goalposts. I am afraid. If local planners were able to start off on a course of action and see it through to the end, probably far more of our colleagues would have had plans in place. Local planning policy is an absolute nightmare in this country. The goalposts keep moving; how do you possibly expect local authorities to know where they are? We knew where the pitch was, but you kept moving the goals.

Q153 Mark Pawsey: But if half of the authorities have managed to do it, why could the other half not?

Councillor Gary Porter: Some of us did not need to. In my own local authority, we do not have an LDF in place because my local plan was saved about four hours before local plans could be saved. It is not true to say that just because we do not have an LDF we do not have a local plan; we do have a local plan. Those councils who do not have a full-blown core strategy still have elements of it and that should carry some weight. If the new system does what we hope it does, it will be much simpler and easier to deal with. We should have a greater chance of getting local plans in place quicker. I agree that our worst members, who for intransigent reasons still have not got plans in place, need some sort of stick to make them get there, but there also needs to be a carrot for the rest of them.

Q154 Mark Pawsey: Will the stick not come through the ballot box, in terms of local councillors having to prioritise their planning departments to get the plans in place as they see approvals going through—either through committee or on appeal—for developments they do not like? Will there be a democratic drive to get plans in place?

Stuart Hylton: What you may get is the kind of deflection of responsibility that we have seen in the past with appeal decisions, where a local authority can blame unpopular development decisions on the laissez-faire policy of central Government. That could still apply now. But I think the most important incentive to getting local plans produced for cash-strapped authorities is not going to be the presence or absence of a national policy framework, but the ability to set a CIL charging rate and benefit from the income that delivers. I think that, rather than the Framework, will drive local authorities into more timely plan production.

Mike Holmes: I agree with that.
Q155 Mark Pawsey: So we can expect the plans to be in place pretty quickly? There will be massive incentives to local authorities and those that do not take action quickly will find themselves in problems. Mike Holmes: I must agree with Councillor Porter. When you say that plans are not in place, which plans are you talking about? You have talked about local plans; actually, we have been talking about LDFs for a little bit of time. My authority has a local plan; it is of some age now. We were looking to go forward, but we did not have a Regional Spatial Strategy approved so there was a hiatus and a lot of changes coming along in the system that we have been trying to cope with. So a lot of us have done work on that and are moving in that direction. I am afraid the debate around the NPPF is another factor that may inhibit local authorities moving as quickly forward as they might have done, but I think there is a desire for people to plan for their areas.

Q156 Mark Pawsey: Is there going to be a need for local plans to be in much greater detail than they might otherwise have been because of this presumption in favour where a plan is silent? Is there a fear therefore that planners will draw up a plan for every eventuality for fear that an approval might go through because they have not covered that particular aspect?

Stuart Hylton: That is one of the possible unintended consequences of the Framework as currently drafted. But in addition to the bit about being silent, you have also got the fact the a whole raft of national and regional policy is disappearing, and the temptation will be for local authorities to try to replicate relevant bits of that. Now I think if they apply a realistic approach to it and just look to replicate the bits that are genuinely important to them, that should not be too onerous an additional task in the plan preparation process. It will be when somebody pedantically wants to pore all over the 1,300 pages of discarded policy and produce a local plan the size of a telephone directory in consequence.

Q157 Mark Pawsey: I wonder if we can just move on to assessing housing requirements. Councillor Porter, you have been about identifying need and then bunging on 20%, but under the new regime, how will authorities go about identifying housing requirements?

Councillor Gary Porter: We have still got to do SMAs and SLAs and all the rest of it. There is still an evidence base. My understanding is that the Government have got a group of other practitioners working out the most appropriate routes to use, but the Government are not determining it. They have got practitioners working out how we should get that evidence and there may well be two or three slightly competing sets of guidance we could use, and councils will be able to choose the guidance that most appropriately fits their needs. That seems to be a perfectly appropriate way of doing it.

Stuart Hylton: One of the big gaps in the new system will be the lack of any strategic context for local authorities to think about their housing needs, because the Framework is ambiguous. On the one hand it says catering for local housing need; on the very next line it says we are dealing with the effects of migration. How, without any strategic guidance as to where directions of growth are going to be and new settlements and whatever, are local authorities to plan for the effects of migration? The only way they can do it is to base it on past trends, and as we all know, past trends are a very unreliable guide to the future. So there is a big gap to be filled there by some means or other.

Q158 George Hollingbery: I was going to ask about the transition period—the interregnum—but I think we have adequately examined that, so just a quick question to Councillor Porter, if I may. When the four of you were drawing up the Framework, did you take legal advice as to the soundness of the words that you were using, the interoperability and the confusion that might be caused? If you did not, did the Government’s drafting lawyers? If they did not, should they?

Councillor Gary Porter: Yes we did. Yes we did use the Government’s lawyers and we used planning lawyers from the private sector as well.

Q159 George Hollingbery: And they were content that there was no room for confusion in the different terms and terminologies in different sections of the documents contradicting each other in such a way that a legal argument could be made about a decision?

Councillor Gary Porter: A couple of times the wording was changed in different parts of it, but as with all things legal, if you put two lawyers in the same room, you will get three different opinions.

Q160 George Hollingbery: But nevertheless advice was taken, was heeded and was used in the drafting?

Councillor Gary Porter: And all Government Departments had sight through the departmental run-round as well, so it has been across the whole of the Government and through all the legal beagles and through DCLG’s own planning team.

Q161 George Hollingbery: Given what you have heard today—because I think you have been here for both sessions—do you think more is required?

Councillor Gary Porter: More is required?

Q162 George Hollingbery: More examination and legal challenge before it becomes accepted by Government?

Councillor Gary Porter: No. Why would we want more legal challenge?

Q163 George Hollingbery: Putative legal challenge. Not real legal challenge; examination by those who are in a position to challenge eventually.

Councillor Gary Porter: I am sure they are doing that as we speak. It is the way all of this stuff works. It has been out to consultation; everybody with an opinion has put in at least two or three sometimes conflicting opinions, listening to some of the advice that has been coming through. I am sure, once that is all distilled into the final document, that will have had a rigorous enough challenge.
Mike Holmes: I would say that we as a society are offering that advice to look at the wording and suggest appropriate wording. That is what we have offered to do and are doing. We have not met the timetable for today, but we will make that provision.

Stuart Hylton: One of the things that is sorely needed is a glossary to explain in legally watertight terms what some of these terms mean. Let us take the example of a rural worker, which is one of the policy provisions made in there. What is a rural worker? Unless you have got some sort of definition in a glossary, that is going to become a subject for debate in every plan involving a barn conversion the length and breadth of the country. There is a whole host of terminology throughout the Framework that needs to be addressed in that way.

Councillor Gary Porter: But not on a national basis, surely. That should come through the local plan and it should be different in different parts of the country. Surely that is the whole point of it; we are moving away from a statist, centrist approach to planning to a localist one. Local councils should be freed up to make those local choices.

Q164 George Hollingbery: Councillor Porter, I maybe take your point about rural worker, but I do not take your point that it applies to “adequate” or “sufficient”. I think those terms are very, very, very difficult to define. If you want every local planner to determine every single time what is adequate and what is sufficient in every context in every local plan, they are going to be very, very large indeed, are they not?

Councillor Gary Porter: Why? Surely it is better to have a large local plan than it is to have a large national plan.

George Hollingbery: I would suggest to you there are plenty of lawyers out there who would argue that the definition of “adequate” is not adequate.

Q165 Chair: The point was raised with us before that this draft guidance is now being used by the Planning Inspectorate in determining appeals. Is that the experience of your members? Is it a matter of concern to you?

Mike Holmes: It has not been the experience in that many cases up until now.

Councillor Gary Porter: It has been in some and it is of concern. What they have been failing on, in my understanding, is that we now have adequate need to meet our supply under the RSS, but we have not got Government’s new requirement to have a 20% over-allocation. It is obscene that PINs are being allowed to reject plans that have been through due process on the basis of such a marginal piece of information.

Q166 Chair: That moves on to the timing, as well, that we discussed before. Are you getting advice, both as councillors and officers, that once this guidance — the new NPPF — comes into place at national level, every local plan will effectively be out of date because, for example, it does not include this 20% contingency, and therefore that is an additional reason why a transitional period is essential?

Councillor Gary Porter: It is that and more; there is that duty to cooperate that has strengthened a lot more in the NPPF than what it is in the current system. Site densities and even bizarre things like car parking spaces are not laid out and are to be locally determined. There are so many things that need to be determined locally, and we need time to make sure that we are able to do that appropriately. That is the transition bit as well.

Stuart Hylton: One of the important things is the way in which the certificate of conformity between local plans and the national Framework is handled. If it is just a straight “yes it conforms” or “no it doesn’t”, then that is going to be extremely unhelpful and create the maximum amount of uncertainty. We have looked at the NPPF and we think there are something like 88 points at which a local plan would have to conform with it. That is clearly a very steep test for any local plan to comply with. So I think what is needed is a form of vetting of local plans to say, “Yes, the plan conforms in most respects, but in the following three”—or whatever it may be—“respects, it will need to be addressed. These can be either addressed when the plan comes next to be reviewed or, if you are making a decision that relates to that part of the plan, you need to take account not only of the local plan but also of the National Policy Framework, which differs from it.” There is a more sophisticated way of dealing with differences between the local plan and the national policy that does not involve the whole of the local plan being thrown out of the window.

Q167 George Hollingbery: The balance between national and local. We were talking about Councillor Porter’s journey as taking 350 very fat local plans that determine everything in their local area, with a certain degree of commonality, I have no doubt, between them across the country but no expectation that there should be commonality between them. How does that set up a balanced planning system where developers can reasonably expect to know what they need to do to get an application through? Does that not make it a huge postcode lottery at least? That may be desirable in some ways, but it will be very, very difficult for developers to have a planning department that can deal with any application across the country.

Councillor Gary Porter: Why should they have a planning department that can deal with any application across the country? If they have not had the decency to read the local plan for that area, then perhaps they should not be building any houses in that area. If what you are saying is that national companies should be able to run roughshod over what local people want, then that is not the world I envisage on the back of an NPPF.

Q168 George Hollingbery: I have a lot of sympathy with the idea that local plans should be very much locally derived, but there surely must be a balance somewhere where there is a reasonable national expectation about what happens with conformity across the country.

Councillor Gary Porter: I think there will be. If there is guidance about how needs assessments and the like are done and a local council does their needs
assessment in accordance with that, there will be some form of commonality. The numbers will be different; the locations will be different; but we will all be working to a similar standard. The Government, quite rightly and well done, has put £12 million through PAS—the Planning Advisory Service—and the LGA is administering that money and we are working with our authorities to make sure that our officers where necessary, but mainly our members, are up to speed with what their local plan needs to be to be able to deliver against this agenda. So I am convinced we are there or will be there, but we just need that time to make that a reality.

Q169 Chair: Councillor Porter, a few minutes ago you said the guidance should allow a choice of how you do the assessments? Councillor Gary Porter: If there are two or three sets of guidance about how you do it, that is consistent, surely. It does not have to be the same. All the men here are wearing suits—we have conformed to that—but they are all different. Mike Holmes: I am not wearing a tie. The issue about how things are done are we seeking to address with a number of partners, including those people who were sat here before, in order to try to get a common best practice approach to dealing with many of these issues, be they SMAs, SLAs or whatever. I understand Communities and Local Government and Government do not want to impose something, but we feel there is some benefit in having a common approach to some of these issues. If they want to adopt a slightly different approach, authorities have to then justify it locally in terms of how they go forward, but we believe there would be some advantage in having some common guidance that can be used, just to save time and money.

Q170 Simon Danczuk: This is a fascinating debate. I think the rural workers issue is an interesting one, because in terms of saving taxpayers’ money, one would assume that having one set of guidance at a national level defining what a rural worker is, or what those words were that George mentioned earlier, would be helpful to local authorities, because they could use that guidance and do not have to replicate it in 250 or 300 different ways across the country. In terms of saving taxpayers’ money, you would have thought some national guidance on that would be helpful. That is just an observation. I have a couple of quick questions—yes and no from each really. Do you think the NPPF is biased towards developers, Mike?

Mike Holmes: I think the emphasis seems to be on the economic factors rather than those other sustainability factors.

Q171 Simon Danczuk: Is that a yes?

Mike Holmes: Yes.

Stuart Hylton: Yes.

Councillor Gary Porter: No.

Q172 Simon Danczuk: As the NPPF currently stands as a working document, can it be used by planning authorities? Is it ready to be used by planning authorities?

Mike Holmes: No.

Stuart Hylton: There is a lot of detail still to be sorted out.

Councillor Gary Porter: I think yes, provided we have got time to put the plans in place.

Q173 Simon Danczuk: Finally, do you fear a resurgence of planning by appeal as a consequence of this NPPF?

Mike Holmes: Yes.

Stuart Hylton: Yes.

Councillor Gary Porter: No.

Q174 Chair: Fine. I think it is accepted, but it is a question of how we do it. There are issues that go beyond the boundaries of a local authority. Meeting housing requirements can stretch over; an authority may have no land left but still have people who need homes and they are going to have to be built somewhere else. There are other issues about waste disposal—and you can go on. We have got a duty to cooperate; it has been strengthened now in the Localism Bill. Do you think that is an adequate mechanism to ensure we get these sorts of issues dealt with properly or are there further changes you want to see?

Stuart Hylton: I think we need to see it strengthened further. The duty to cooperate is based on a consensus view of planning that says that agreement is always there for the reaching, if you just consult each other hard enough. Life is not like that. Planning tends to be nastier and more brutal and it is about fierce competition for a finite resource: land. That produces winners and losers and there is by no means a guarantee that consensus will emerge from it. A duty to cooperate is not the same thing as a duty to agree. One of the things that the Framework does not yet do is to say what happens if authorities cannot agree about the key strategic issues. I think one of the things we are looking for is not so much whether the infrastructure of cooperation is in place, in terms of joint committees or whatever, but that there is some finite product coming out of that cooperation against which their plans can be judged. What we are suggesting is there needs to be a strategic infrastructure assessment produced jointly by local authorities that will look at what infrastructure is needed to support development in that wider area, where it is going to come from, who is going to pay for it, and how and when it will be delivered. That will be something finite against which cooperation can be judged and will also be a very useful document for plan-making at the local level.

Mike Holmes: To go further than that, we are not in the 19th century; the councils do not do everything. They do not provide energy like they did; they do not deal with sewage and so on. There are often private-sector companies involved in this. So the duty to cooperate, if we call it that, has got to be rather more extensive to deal with all those infrastructure issues. We think it is important that is extended.
Chair: That sounds very admirable, but how long is it going to take to get those in place?
Stuart Hylton: It is work that has to be done. It will take as long as it takes, but you cannot plan development in any sensible way without knowing what infrastructure you will need and how it is going to be delivered, otherwise it is a recipe for sheer chaos.

Chair: But can any local plan be deemed to be complete and up to date—or whatever the words are—if that work has not been done on the wider infrastructure implications?
Stuart Hylton: What we are saying is that many of these infrastructure issues transcend local authority boundaries. The providers will work to different boundaries; they will have different criteria; and they will not welcome piecemeal approaches from every individual authority. They will want to look at the picture on a wider level.

Chair: We have got these changes in the National Planning Policy Framework. You are indicating to us it will probably take a couple of years to absorb those and get local plans up to date, accepted and agreed. You are now telling us we need another piece of work about greater-than-one-local-authority infrastructure implications. Is it feasible to get that work done within two years so it all hangs together?
Stuart Hylton: The idea is you do it in parallel.

Chair: That is what I am trying to get at.
Stuart Hylton: Because you will not be able to go to the infrastructure providers and say, “What do you think about providing infrastructure?” You have got to have some concrete proposals. So the two will merge together.

Chair: Is there the capacity in the planning system to do that?
Stuart Hylton: You have not got much choice. You have to do that work if you are going to produce a sensible plan that links together infrastructure provision and development.
Mike Holmes: Remember we are going to be looking 15, 20 years’ time in terms of the longer time horizons here. If we are talking about planning for developments in five, six, seven and eight years’ time, we need to start thinking about the infrastructure requirements now. It is not just about the next two years and what housing comes forward to deal with economic development and so on; it is about taking a longer view. Make no small plans.
Councillor Gary Porter: God forbid we ever allow the electricity board and the gas board to determine when and how we can build things. They supply services to customers. If the customers are there, they will end up getting the services to them if the profit margin is big enough for them in the end. We cannot let ex-public utility companies determine where we are building the homes of the future. That is just insane.
Chair: Okay. That was a point of difference to finish on, but thank you all very much indeed for coming in and giving evidence this afternoon.
Monday 24 October 2011

Members present:
Mr Clive Betts (Chair)
Heidi Alexander
Bob Blackman
Simon Danczuk
David Heyes
Mark Pawsey
Steve Rotheram

Examination of Witnesses


Q180 Chair: Good afternoon, and welcome to our third evidence session in our inquiry into the Draft National Planning Policy Framework. For the sake of our records, could you just indicate who you are and the organisation you represent?

Stephen Wright: I am Stephen Wright from the John Lewis Partnership.

Tony Burton: I am Tony Burton; I am the Director of Civic Voice.


Mhora Samuel: I am Mhora Samuel from the Theatres Trust.

Q181 Chair: Thank you very much for coming and for the written evidence you have provided to us already. You have each put some evidence to us and, although it is all different, you seem to be arguing for more planning rather than less, and more guidance rather than less. Is that not rather a contradiction to the Government’s stated aim of trying to get more development agreed and, if you had your way, would it actually put a brake on growth rather than helping?

Stephen Wright: We very much support the streamlining of policy. We think the draft NPPF is an excellent attempt by the Department to shrink the amount of policy, much of which we believe is repetitive and probably unnecessary. Policy at a national level is about stating key principles that ought to apply nationally. We do think there are areas of the text that can be tightened up to carry forward the existing policies more succinctly and more clearly. However, I do not think that is about more planning; I think it is just about clarifying the existing policies into that streamlined text.

Tony Burton: Yes, I guess our starting point is that we are not asking for a lot more; we are actually asking for the retention of quite a lot of policy that we already have and are losing, such as the key tenets around “brownfield first and town centre first,” and locating where there is transport choice. We also welcome the general reduction in the total amount of guidance, which we think will make it more accessible to communities, but I think the fundamental problem has been best expressed in the battle of myth busters that has been going on. You have myth busters busting the myths in other people’s myth busters about whether or not the planning system is a barrier on economic growth. This Committee looked at that issue a few years ago and found the evidence wanting. Certainly the myth busters I am putting my shoulder behind are those that suggest the planning system is in no way a barrier on economic growth or development. Some 80% of applications get permission, a third of appeals are granted, less than 1% of applications take more than a year, and there is land allocated with planning consent for over 300,000 houses. In my view, that is not a system that is somehow getting in the way of development. The economic future of the country is more around demand than a lack of supply of land and planning consent. The planning system provides the certainty that future economic investment needs, hence the need for stronger planning, more clearly expressed, which will provide the foundation from which the economic growth can move forward.

Robert Sullivan: Football, and indeed wider sport, would start from the basis that we believe our game is at the fundamental heart of communities: 7 million people play football every month; there are 130,000 teams and 12,000 leagues. In every community in all of your constituencies football will be integrated and part of the community. What we are looking for in planning policy—and by and large we think the new framework delivers this—is to ensure that it is embedded within what is called sustainable development. We believe that sport and football should be a big part of sustainable development because it is an important part of community life. We have little problem with the direction of travel of the policy, but we are seeking clarification in a numbers of areas to ensure that, as the gentleman from John Lewis said, the new provisions marry up to the existing provisions to ensure there is some certainty for all of us going forward in the new framework.

Mhora Samuel: From the Theatres Trust’s perspective, it is important that there is clarity around PPS4, and what has been lost in the current draft is the reference to the importance of culture and other uses, such as theatres and concert halls, in relation to the town centre evening economy and the vitality of town centres. For us it is not about an addition but ensuring that what is there currently is very clearly expressed in the NPPF.

In addition, we would like to see an alignment with the Localism Bill, particularly with regard to the amendment by Baroness Hanham about expressing assets of community value, explicitly including social interests, social well-being and cultural interests. So again we are seeking clarity, so that the NPPF can be helpful to planners and not cause confusion. Having a
lack of information around culture could end up in more discussion and debate around what is actually meant by culture.

Q182 Chair: So to clarify, you all seem to be saying very similar things. You are not arguing for the retention of all the existing guidance or opposed to the general principle of a shortened NPPF, but you are arguing that perhaps some of the wording is not as clear as it might be and there are things from previous guidance missed out that could be added to provide greater clarity, but still in a very brief document. Is that basically it?

Stephen Wright: That is right.

Q183 Heidi Alexander: I would like to pick up on something that Civic Voice said in its written evidence. I will just read the sentence from it: “Any changes in the NPPF need to be accompanied by a new and more positive attitude from the Government as a whole to the role of planning in delivering economic progress and providing certainty for investment in land and buildings, as well as addressing social, environmental and cultural considerations.” Obviously, Civic Voice agrees with that statement, given it was in your written submission, but I wonder whether the rest of the witnesses would agree with that or if you have experience of planning being a blockage to development in your sector?

Stephen Wright: We think the presumption in favour of change and development is a very good thing. We think it will hopefully encourage a more positive attitude towards growth, economic development, and particularly towards sustainable development from local authorities both at the plan-making stage and at the development-control/planning-application stage. To my mind that reflects the attitude of Government: that planning can be used to achieve those things. Some of the blame put at the door of planning for blockages in development is perhaps overstated. A shortage of finance to bring forward some of these projects, especially over the last few years, has been more responsible for development not coming forward than the planning system could ever be.

Robert Sullivan: Speaking on behalf of football and sport, we would look at that question the other way around. We would look at where planning policy and guidance has been able to help us protect our facilities where developments may or may not threaten the existence of playing fields, sports facilities or whatever they might be. Like all of these things, it is about getting the balance right, and we believe the current structure—where Sport England have a statutory consultee right—does that. They basically can work with local authorities to identify when development plans are put forward if there is a need for a like-for-like replacement or some alternative redevelopment around the site. In the vast majority of cases that provides a composition deal where the sports community, the local authority, Sport England, and the developers are happy that a suitable outcome has been achieved for all of those parties. For clarity, that kind of process is one we are looking to be embedded within the new framework. Whilst we hope it will be embedded—and discussions with officials suggest it will be—it is not clear at present. Hopefully this process will help us achieve that clarity.

Mhora Samuel: The Theatres Trust is a statutory consultee in the planning system. As you described with Sport England, we try to advise and enable development, particularly where it relates to the provision of theatres. We have found that we are promoting new development of theatres, as well as protecting existing ones and indeed replacement of like for like. What we tend to find is that the planning system enables people to consider cultural considerations, and we do believe that culture is a core planning principle and therefore should be included in the NPPF.

Q184 Heidi Alexander: Mr Burton, is there anything that you would wish to add about the planning system doing more to foster economic growth? It was clearly something you picked up on and I wondered whether there is anything you would like to add at this stage?

Tony Burton: The solutions to some of the criticisms that have been levelled at the system do not lie in the NPPF. A National Planning Policy Framework is not going to solve what have been identified as uncertainties about the process, how long it takes and all the rest of it. A lot of the discussions have been like ships passing in the night, and a lot of the solutions to issues raised by people actually lie in the quality of planning staff, the certainty of the time in which decisions are going to be made, and the ability to guarantee a process that is efficient and effective. We would all welcome a recognition of the important role that local councils have to play, with diminishing resources, in managing millions of pounds worth of investment as efficiently and effectively as possible. That is where attention might be more appropriately directed, rather than kicking planning policies, which will not solve the problem.

Q185 Mark Pawsey: Mr Burton, you told us you were not impressed with the argument that the NPPF would free up economic growth and enable the country to grow better. However, a second key plank of the NPPF is to make planning more localist and to get individual communities involved. Do you think all local authorities should have the same policy on issues such as open space, and the amount of sport facilities they should provide, or do you subscribe to the localist agenda and accept that this is an opportunity for local communities to determine their priorities and needs for their area?

Tony Burton: I think the continuing emphasis on a plan-led system is really welcome. This is something we have had since 1991 in legal terms, and the emphasis on the plan being sovereign, and on the role of not just local councils but now communities in preparing development plans—be they local plans or neighbourhood plans—is hugely welcome. Yes, that does enable plans to respond to the circumstances of the area in which you find them, which results in a different set of policies. So on something like open space, there will be a different response depending on the circumstances. If you are doing it for Islington, it is going to be a very different response than if you are
doing it for Eden Valley, to give two extreme examples. That variety is exactly right; that is how planning should respond.

Where we need the certainty that comes from clarity in national policy would be on something like disposal of open space. In our view the guidance does not yet go far enough there, and we need to be very clear that we are not disposing of space unless there is a surplus of that use, and there is not a deficiency in other open space uses, before that open space is allowed to be lost. That is where I think there is a legitimate role for national planning to set out those guidelines.

So it is going to vary depending on the issue. In the case of open space the circumstances will vary and the policy should vary, but in terms of disposal there should be a single framework set out in the NPPF, which is then followed by local authorities.

Q186 Mark Pawsey: Can I put the same question about the localist agenda to each of the other witnesses?

Robert Sullivan: First of all, it is definitely a benefit in the broadest terms to have local decision-making people who understand their communities being empowered to do so, and football would support that. However, I would caveat that with the fact that football people, they are not planning people.

Q187 Mark Pawsey: Only planning people are planning people.

Robert Sullivan: At the grassroots of the game, football is run by an army of 400,000 brilliant volunteers. They are the people who drive their kids to the games, who run the line, cut the oranges, make the phone calls and send the e-mails. They run the clubs and football owes a huge debt to them, but ensuring they are empowered with the information and guidance to represent the requirements for their clubs should issues arise is a big challenge. That is why we strongly support the role Sport England currently plays in that guidance, because they allow them that guidance and protection to have that kind of support and infrastructure there to help them when issues arise. If that was to be taken away, we would have a concern.

Mhora Samuel: I have two responses to that. Again, it is important to have local diversity, particularly when it comes to culture. In Baroness Hanham’s amendment in the Lords, she reflects social interests as being defined as cultural interests, recreational interests and sporting interests. Through the NPPF there is a section in the sustainable communities chapter that could helpfully have the words “cultural interests” incorporated into it. One can look at the responses received to see the reason for that. Brighton and Hove put in an excellent response to the NPPF; however, it made no mention of culture whatsoever. Brighton and Hove’s own cultural strategy says, “Culture is at the very core of Brighton & Hove. It has been our city’s driving force for hundreds of years. Culture is Brighton & Hove.” So whilst a planner may respond to the NPPF document and not make one mention of it, it is at the heart of Brighton and Hove. So we need clarity and support for planners who are involved in the plan-making system.

Q188 Mark Pawsey: Where do you want the clarity to come from? Do you want the clarity in the NPPF or do you think the clarity can come from each individual authority’s local plan?

Mhora Samuel: I think the clarity can come from having some very clear lines within the NPPF, which then offer the flexibility and freedom for planners at a local level to pick up on their area and the guidance within the NPPF. The section on sustainable communities, which refers to open space, recreation and sport, could very easily incorporate the words “culture” and “cultural uses” and therefore offer clarity to local planners.

Q189 Mark Pawsey: So we are going to move a long way from tight documents; we will go back to masses and masses of pages of guidance.

Mhora Samuel: No, it is a much shortened statement now in the NPPF; it just does not have “culture” in it. It would align it to the Localism Bill as well.

Robert Sullivan: I think we are probably all asking individually for a few words here and a few words there. Hopefully that won’t extrapolate back into the kind of planning guidance we had previously.

Q190 Chair: Would it be 60 pages rather than 50?

Robert Sullivan: Maybe. For us specifically it would be about the guidance reflecting its relationship to the statutory consultee rights of Sport England. Getting clarification around that point would provide a lot of comfort to sport.

Stephen Wright: To my mind the NPPF is about setting a national framework of core policies. I do not think that means it deprives local authorities of the ability to set their own priorities within that national framework. There is plenty of scope within the NPPF for local authorities to reflect their local needs. It is absolutely right that the system should remain plan led, but the problem we have at the moment is that so few local authorities have a plan. Hopefully, this more positive attitude towards planning will encourage local authorities to have a plan and to plan for the right development in the right places. That is entirely localist, to my mind. I also think a more streamlined policy would hopefully be more accessible to neighbourhoods who want to get involved in neighbourhood planning, who will not have to wade through 1,000 pages but can hopefully see from 50 pages what they need to be drafting their neighbourhood planning around and the issues they need to consider.

Q191 Mark Pawsey: Do you subscribe to the theory of your colleagues that the NPPF needs to be bigger and with more detail, or are you happy with it as it is?

Stephen Wright: We are happy with the size of it; we think there are tweaks that can be made here and there to draw out some of those core principles and make them a little clearer.

Q192 Simon Danczuk: This is a question to each of you: is there anything wrong with the Government’s
attempt to build the planning system around what they have termed "sustainable development"?

Tony Burton: Sustainable development is nothing new to the planning system; the planning system has been dealing with sustainable development since PPG12 was published in 1992. So there is quite a lot of fuss about something that has been part of the system for nearly 20 years, and that is partly because of the way it has been couched and partly due to the very loose definitions of it, which do seem to be very economic in their emphasis. For us, sustainable development is a very legitimate purpose of the planning system. We do not think you need a presumption in favour of it; we think it is a purpose of the planning system, which you deliver differently, according to local circumstances, by having a presumption in favour of the development plan. The Brundtland definition of sustainable development is there and is helpful, but it is quite a long way from the coalface of planning. There is a need for some principles to bridge that gap. The 2005 Sustainable Development Strategy was a pretty good stab at that and got a huge amount of basic endorsement from a wide variety of interests. I understand that this is a new Government who may not want to repeat something done under a preceding Government, and I can sort of respect that, but there was a lot of consensus about the 2005 Strategy and the key principles around social justice and environmental limits, which we think need to be embodied in the planning system locally. Perhaps more importantly, for the Government to meet its objectives of supporting greater community involvement in the planning system, whether it be through local plans or actually taking on responsibility for development planning at the neighbourhood level, people have to believe the system is fair and they have to be willing to put their time and effort, as volunteers, into making it happen. I know from talking day in, day out with volunteers in the civic movement—who collectively are the most numerous participants in the planning system—that it is a harder sell since the NPPF has come out. I am finding it harder to sell to them the idea that neighbourhood planning is something they really want to do and want to spend their time and effort getting involved in. They are questioning the very basis on which the system is being established and the very purpose for which it is there. If we can address that through an NPPF that has a truly integrated approach to sustainable development and is plan led in its execution, then I think we have the opportunity to inspire people to see the opportunities here as something that gives them legitimate control over what is going on. At the moment it is a much harder sell than it was six months ago.

Q196 Simon Danczuk: You said it would result in more wrong-headed development as it is at the moment. Can you give me an example of the sort of wrong development that might take place as it stands at the moment?  

Tony Burton: One of the fundamental gaps in the system is where there is no plan. A lot of plans will be relevant, even if they are not very up to date, but let us take as an example an area where we do not have a plan: unless significant harm is going to be caused—and the thing that is going to cause harm is already in the NPPF—it is pretty much a free for all. That is the language we used in our evidence. Take the example of trees: trees are a regular issue in most planning applications. You can deal with trees without saying, “We do not want any development.” For example, if you are knocking down a big house and putting six houses in its place and you want to keep the mature trees there, where you put the houses has a fundamental impact. Trees don’t get mentioned in the NPPF unless they are veteran trees, so the kind of detailed negotiation that is the day-to-day business of the planning system locally is not going to be there. If I were a developer and I really did not care, and just wanted whatever worked for me and didn’t want that negotiation, I could just do that and wouldn’t need to take any notice of the views about changes to the trees or location by which you could actually save the trees and have the houses. Instead, I would just be able to do what I wanted and go to appeal, which is what the NPPF allows.

Q197 Simon Danczuk: Stephen, what is your view on the definition of sustainable development?  

Stephen Wright: I am afraid I do not agree with Mr Burton on this. I think the NPPF does set out a Brundtland definition; it makes it clear it is about social, economic and environmental considerations. It is very difficult then to come up with a more technical and detailed definition that applies cross-sector and that will pass the test of time. So what is sustainable for the minerals sector might be very different from what is sustainable for the retail sector, the airport
To look at what protections are there currently that might be lost. I have a very similar example, where, with the current NPPF as it is, you would have an appeal that would be heard but, without any protection, ultimately sport and football could lose out in the protection of its fields and facilities. That is what the current system with the Sport England consultee right provides us with. If it is in the policy it is not explicitly referenced, and we think that would be a very small and discreet change that would give sport and football some support in the guidance, which we think would be appreciated.

When development decisions are made, we need to look at what protections are there currently that might be lost. I have a very similar example, where, with the current NPPF as it is, you would have an appeal that would be heard but, without any protection, ultimately sport and football could lose out in the protection of its fields and facilities. That is what the current system with the Sport England consultee right provides us with. If it is in the policy it is not explicitly referenced, and we would like to see it explicitly referenced to reassure people in the sporting communities that those protections can still be maintained.

**Q198 Simon Danczuk:** One of the pillars of the presumption in favour of sustainable development is social. So sports and theatres should, by definition, be fine under this NPPF. Surely that is what it is saying, isn’t it? That is what Stephen thinks.

**Mhora Samuel:** At the moment, with Baroness Hanham’s amendment, it is clear in terms of assets of community value that social interests and social wellbeing are represented by cultural interests, sporting interests and recreational interests. Because that is quite a recent amendment, what we do not have at the moment is the alignment between the Localism Bill and the NPPF, and that is what we need to have—we need to have more surety. I would just add that the 2005 definition of sustainable development explicitly said there should be “opportunities for cultural, leisure, community, sport and other activities”. For some reason the only one missed off in the NPPF is cultural.

**Q199 Simon Danczuk:** So you are not satisfied with the definition?

**Mhora Samuel:** Only in that it does not reflect culture.

**Robert Sullivan:** I would add one more point: it is not a case of it being football fields or development; that is not a dichotomy I recognise. Some 1,400 developments go to Sport England statutory consultation a year, the vast majority of which come up with a solution that works for everybody. Sporting facilities are maintained and in a lot of cases improved, bettered, or changed for new ones, which is great, and the developments go forward. It does not have to be an either/or.

**Q200 Mark Pawsey:** You gave an example of something that is absent from the NPPF and spoke about trees. There is no proposal to do anything about tree preservation orders, as it is for local authorities to establish their own policies. So what would you like to see: just a few bland words saying how wonderful trees are, or do you actually want to see something specific and detailed included within the framework?

**Tony Burton:** I do not think any of us want the detail. You are hinting that we want to extend it back to 1,000 pages—we do not. Most of our issues can be addressed through relatively small changes. The ideal answer is to have a local plan, which has the policy on trees in it.

**Mark Pawsey:** We all agree with that.

**Tony Burton:** I cannot envisage that you could publish the final NPPF without a package of measures to ensure we do have local plans being prepared across far more of the country. Another absolutely classic example that is entirely missing from the NPPF—

**Q201 Mark Pawsey:** Let us stick with trees. What do you want—just a bland statement saying that trees are great?

**Tony Burton:** Well, yes; there are certain things that are just so fundamental. Trees are one and local amenity is another—they are the stuff that communities and residents feed into the planning process. However, the word amenity does not appear in the NPPF.

**Q202 Mark Pawsey:** So you just want to bung a few words in so it becomes a bit more acceptable?

**Tony Burton:** If you start with the approach the Government is taking, which I would not start with—whereby if you do not have a plan, then it is only if it has very significant impact and is in the NPPF that you can turn it down—then yes, you need a catch-all. I would not phrase it like that, so you would not get into the problem the Government has created for itself. However, you need the safety net of a reference in the NPPF if you are to adopt the approach the Government is taking where there isn’t a plan that is material or relevant to the planning application.

**Q203 David Heyes:** My question is particularly aimed at Stephen Wright, but any contributions from the other witnesses would be welcome. You said earlier that the draft was generally okay but needed a few tweaks here and there to the words. One of the tweaks we think you would like to look at is to move away from the relaxing of the emphasis on town centre first. That was in your evidence. Could you
help us understand why you believe that? It is a bit surprising.

Stephen Wright: Our position is that we support and agree with the town centre first policies currently set out in PPS4 and the balance they achieve. It is not about town centres only but it is about town centres first, and I think the current position set out in PPS4, which has evolved but is much the same as it has been for the last 20 years, has been a mainstay of national planning policy and has helped to achieve investment in town city centres around the country over that period. So we are keen to arrive at a form of wording, albeit streamlined, that maintains that current balance. Like many of the other retailers, we have a balanced portfolio of shops and we have continued to grow over the period of the town centre first tests and will continue to do so.

Q204 David Heyes: So are you saying to us that this is a view shared across the retail sector?

Stephen Wright: If you look at the representations that have been made to the NPPF consultation by the likes of the British Retail Consortium, British Council of Shopping Centres, The National Retail Planning Forum, and even the Association of Convenience Stores, they are all making a similar point: that the current balance is there or thereabouts. There are differences in emphasis between the various organisations, but the substance is the same.

Q205 David Heyes: So we should move back to requiring town centre first rather than, as the draft says, preferring it?

Stephen Wright: If, as we understand it, it is Ministers’ intention to carry forward the existing policies to the new document, I think that is the corollary of that.

Q206 David Heyes: Is this not precisely an area where it is best for local authorities to decide, as they know their area best?

Stephen Wright: The benefit of having had a clear town centre first policy over the last 20 years is that local authorities have been able to use that as a springboard to encourage development in their town centres. Our concern is that, if there were to be a weakening of that town centre first policy, it would undermine the ability of local authorities to do that, especially in the system we find ourselves in at the moment, with so few local plan documents.

Q207 David Heyes: Are there any other views from the other witnesses on this? There don’t have to be.

Tony Burton: Fifteen years of the “town centre first” policy has demonstrated the benefits it has. I think it is really important to see it as more than just retail; it needs to be addressed in terms of offices—an area that has been more significantly weakened—cultural facilities and civic facilities. We talk about the “civic glue” that town centres provide, which is about much more than a retail experience. Civic life is what happens in our town centres. “Town centre first” gives you the certainty, consistency and confidence that local authorities, developers and communities are looking for from their town centres.

Q208 David Heyes: I would like to go back to Stephen to develop this a bit further. What role does national planning policy have in protecting the value of commercial investments already made? This is what you are really about, isn’t it?

Stephen Wright: I do not think it is primarily about protecting the value of commercial investments, but it is about creating a framework within which retailers and developers feel encouraged to develop in town centres. Town centre development is more expensive, often more time consuming and often more difficult than out-of-town schemes, and unless there is a policy framework that helps to deliver that, there would be less town centre development and more out-of-town development. So I think that helping to protect investment through the Town Centre First policies is one of the tools in the toolkit to achieve that. A scheme such as the Grosvenor scheme at Liverpool ONE took 10 years from inception to opening, and if there had not been the same town centre first focus, investments like that may well not have happened.

Tony Burton: I think it is important to recognise the public investment in town centres, not just the private. The economic disadvantage of sprawl, which requires new sewer, water supplies, transport links and all the rest of it, is huge additional economic cost. So there is a huge public investment as well as the private investment.

Q209 Chair: Regarding building in existing town and city centres, does the removal of the brownfield priority within the framework cause alarm bells to ring? Might that actually weaken the whole of the town centre first policy?

Stephen Wright: I am not sure I see that as a key threat to the town centre first policy. Whilst absolutely we would take the view that brownfield sites should be developed first as an overriding principle, there will be instances in which there are greener sites, closer to a town centre, that better support that town centre. So I think it is important to nuance that overriding statement.

Tony Burton: The loss of the clarity of “brownfield first” is similar in terms of its psychological effect as a tenet of the system, which has demonstrated its value in the recent decades and has led to a very significant increase in the proportion of new housing within existing urban areas. There are important open spaces that should not be caught by that definition, but I think that “brownfield first” has been really important. It is equally important that things like windfall sites should be embraced; it is odd to have a “brownfield first” policy and then not embrace a source of significant supply of housing from brownfield sites in the way in which you are calculating and allocating housing land availability. Overall we think you need a clearer approach to site selection than is laid out at the head of the NPPF, but “brownfield first” and “town centre first” are critical elements of that.

Q210 Chair: I want to try to tie two bits of guidance together before we move on: the sequential test, which was established for retailing, although frankly it was put there because of offices, which is probably an
issue of concern to some; and the definition of sustainable development. Would it be possible to tie the two together and have the understanding that, if an application failed the sequential test, it would be deemed to be unsustainable?

**Stephen Wright:** That is almost exactly what we have suggested to the Department as a change to the text. We think that would be a helpful way, in the context of town centre first policies, of making clear and more explicit what is intended to be implicit within the document already. So if a scheme fails a sequential test or is likely to have a significant adverse impact on a town centre, it should not be considered sustainable, it should not benefit from the presumption and it should probably therefore be refused. That is the balance in the current PPS4 tests.

**Mhora Samuel:** I just want to add a caveat in relation to assets of community value, which as you know will be the assets put forward by local communities where they feel they have a particular community value.

Again, this is coming back to cultural, recreational and sporting interests in particular. Theatres are sui generis, which means they always require a planning application to be raised for development involving any land on which there is a theatre.¹ One thing that would be very helpful is if that was extended to assets of community value so that, with any sequential tests that might be applied, there would be particular note taken of assets of community value. Otherwise, I fear that they may fail because other economic issues may arise that are seen to take precedent over the community interests.

**Q211 Steve Rotheram:** I would like to develop that a little further and take you back to your earlier point about Brighton and Hove. I am not from Brighton and Hove, as my accent might well belie, but I do know that culture and the arts can be used as a catalyst not just for regeneration and regeneration but also sustainability. Liverpool was very lucky in 2008 to get the European Capital of Culture, and we have more museums, galleries, art and theatres than anywhere outside of London. I hope that gets down as a plug. In your submission you stated that culture, the arts and theatres are not covered in the draft NPPF but were previously in the Planning Policy Statement 4. Do you think that is a change of Government policy, just poor drafting or that culture, the arts and theatres are no longer a Government priority?

**Mhora Samuel:** In the response DCMS made to the Culture, Media and Sport Committee inquiry into arts and heritage funding last year, they said that culture and the arts were a Government priority. So I think that culture and the arts can be used as a catalyst not just for regeneration and regeneration but also sustainability. Liverpool was very lucky in 2008 to get the European Capital of Culture, and we have more museums, galleries, art and theatres than anywhere outside of London. I hope that gets down as a plug. In your submission you stated that culture, the arts and theatres are not covered in the draft NPPF but were previously in the Planning Policy Statement 4. Do you think that is a change of Government policy, just poor drafting or that culture, the arts and theatres are no longer a Government priority?

**Q212 Steve Rotheram:** Does anyone else have a view on that before I ask a supplementary?

**Robert Sullivan:** I would just give our experience of the DCMS and DCLG situation, as that is relevant to us as well. I would say that DCMS have been working pretty hard behind the scenes to try to support sport and get our issues recognised in this structure. We accept that hopefully, there will be a few more twists and turns before the final policy comes out and we will have our chance, through our sponsoring Department and bodies such as yours, to get those arguments successfully across to whoever ultimately holds the pen.

**Tony Burton:** We would endorse that join-up-the-dots challenge. Heritage is another issue that is seen as a DCMS issue, and so DCLG does not really take on board the cultural side, and its social and economic value is not recognised. That is very clear in the NPPF, because that’s more a DCLG issue than a DCMS issue. Design is another point; design is a huge part of the economic agenda and yet we have just abolished the national advisor on design in CABE, which was jointly sponsored by both of them. So there are some challenges here that come from these classic departmental silos.

**Q213 Steve Rotheram:** Would you like to elaborate further on your views in the submission that the strength of the policy in PPS4 on culture in town centres is not specifically carried forward in the NPPF, and whether it needs to be?

**Mhora Samuel:** I believe it does because it gives clarity to planners involved in local and neighbourhood plan making, for some of the reasons you gave about local enthusiasts being involved in trying to put forward the case for a theatre or a cultural facility. I would also cite that when Aylesbury Vale was building its new theatre, it also specifically quoted the text on PPS6, which was the precursor to PPS4, as a rationale for the building of the new theatre. It actually replaces the Civic Centre but now provides a far greater cultural offer for the town. So it needs to be in there and it needs to be clear for planners. So either it is looking at how to bring back the phrase into the NPPF, or ensure it is in guidance.

**Q214 Steve Rotheram:** I would just like to pick up what you were saying, Mr Burton, with regard to departmental silos. Do the panel see a difference in

¹ No. 2184 Town And Country Planning, England Article I. The Town and Country Planning (Development Management Procedure) (England) Order 2010. The phrase in the DMPO is ‘development involving any land on which there is a theatre.’
policy on the arts and culture between DCLG and DCMS?

**Mhora Samuel:** I do not think the spirit is any different, but it is about how it delivers in practice. For example, there was a recent study looking at the importance of wellbeing, and in that report it makes explicit reference to the Taking Part Survey within DCMS. The spirit of the NPPF is about wellbeing and people’s quality of life. It is about pulling those references together and recognising that we are talking about the same thing but we need to make sure that it joins up.

**Robert Sullivan:** I agree with the spirit point, but there is also something of a bit more substance in this. For us, DCMS is a sponsoring department that provides investment into sports facilities that we work together to deliver. So they have skin in the game, if you like, in terms of protecting those facilities, and managing that relationship is really important. Ultimately, if planning guidance were to mean that, further down the line, we began to lose playing fields, people would turn to the Football Association and the Government as a partner to help reinvest in those facilities. So there is a connection there in that logic, and that also needs to be fully explored.

**Tony Burton:** DCMS is a bit of a shoestring Department, frankly, and its influence on this is pretty limited, which is why we are playing catch-up on sport, heritage, culture and design more than we should be. If they were going to be considered to be important they would be in the draft; it would not be up to NGOs, community groups and the Government’s agencies, such as English Heritage, to flag up where there are weaknesses. ’Twas ever thus, I have to say; it is not unusual for that to be the case. But it can help reassure people that the stated commitments on those issues are really understood and really embedded in the planning system.

**Mhora Samuel:** I should just add that the Arts Council England and the Heritage Lottery Fund, two executive bodies of DCMS, have both stated that the omission of culture in the NPPF is an important point that should be addressed.

**Q215 Bob Blackman:** I want to take this one stage further and look at the aspects of sport. I suggest the questions are to be picked up by Mr Sullivan, but if anyone else wants to take them up, they may. One of the risks in the urban environment is that there has been a loss playing fields and open space, and clearly there is an issue where there could be a risk under the NPPF that more playing fields disappear. Would you like to outline what you think the risks are under the current document?

**Robert Sullivan:** I would answer that question by saying it is not actually clear; that is one of the substantive points we are trying to make. Until we have a better understanding of the role of Sport England as a statutory consultee and whether that will remain in place, I wouldn’t like to give a true definition of what the impact might be. If they were to be removed, they would estimate themselves a loss of anywhere between 100 and 200 playing pitches a year based on the fact that developers would be able to ride out any complaints or issues around loss of sporting provision by pointing to the new framework as ultimate support for their position. At the moment, Sport England have the ability to say that a development can go ahead but like-for-like replacement or improvement of other existing facilities must be in place as a trade-off. If Sport England and the sport bodies lose that ability to have a trade-off with developers, and there is no call on them to provide any support to sports facilities, you could be looking at between 100 and 200 playing fields a year being lost without any provision in place. If you extrapolate that impact into football, cricket, rugby union, rugby league and other big participation sports, that is pretty considerable. As a national governing body, we take that to be a pretty serious issue.

**Q216 Bob Blackman:** I just want to be clear: so your view is that within the NPPF it has to be specific and clear that Sport England have this role?

**Robert Sullivan:** Exactly. We would very much welcome a tweak, which is a word that has been used a few times.

**Q217 Bob Blackman:** I think this is a bit more than a tweak.

**Robert Sullivan:** I would happily provide the Committee with some specific wording on how we might do that.

**Q218 Bob Blackman:** That would be very helpful from our perspective.

**Robert Sullivan:** The role of Sport England as a statutory consultee and the provision of a like-for-like replacement clause in any review for us, alone, would reassure us that the existing level of sporting facilities could be maintained. We are not talking about future sporting facilities—sadly, that will have to be an argument for another day—but at the moment we are looking at what we can do to have what we hold. For us, that would be a really positive change to this document.

**Mhora Samuel:** I would just add that it is a similar case for the loss of theatres. One of the issues is that the replacement of a facility when a development goes ahead can, in the context of the current NPPF, potentially be used as a reason for “undermining the viability of a development proposal”. One of the things that we have suggested in our response to the NPPF is that that should not be the case, and that a like-for-like replacement should be a like-for-like replacement and should not have an impact on the viability of the scheme, because you have effectively lost an important community asset in relation to that development. That is particularly the case when you are looking at the provision of new homes. You are looking at increasing the number of people living in that area, and potentially you are not making any provision at all for community, cultural or sporting facilities. So it is a really important point that needs to be put across.

**Tony Burton:** I would like to make two supplementary points on the loss of playing fields. I think the statutory consultee role is an important one, but I think it needs to go beyond that. I think there
needs to be clarity about the disposal of open space. That should not be happening unless there is clear evidence of a surplus regarding its current use, and there is no shortage of the potential use of that open space for other open-space activity. So allotments, parks and sports facilities are all open spaces. There is also a welcome commitment in the NPPF to the coalition Government’s commitments to protecting urban open space, but they have been rather restricted to neighbourhood plans. That is great and welcome, but neighbourhood plans are not going to be happening everywhere, despite our efforts, and we see no reason why communities with local plans cannot benefit from those provisions. So we do not see why that could not be introduced as a local plan mechanism as well as through the neighbourhood plan mechanism. That would be an important additional protection for these sorts of open spaces.

Q219 Bob Blackman: So can I ask you what your reaction is when the comment is made about the needs and benefits of the development on playing fields outweighing the loss? 
Tony Burton: We would much rather have all this set out in the local planning policies, rather than being left with dealing with the NPPF.

Q220 Bob Blackman: I can understand that, but does that mean that every planning authority in the country is going to have to include this in their local plan, or otherwise there will be a presumption in favour of development on their open spaces?
Tony Burton: Yes, where a local authority has a concern about the loss of valued open spaces to its community—whether it be sports facilities or other open spaces, and an awful lot of them do have that—that should be reflected in their local plan policies.

Q221 Bob Blackman: So why shouldn’t that be in the national framework, rather than having to force every local authority to do it?
Tony Burton: In our view it should. The disposal of open space is an area where there would be real value in having clarity in the NPPF. That would then be applied through local plans and, where relevant, neighbourhood plans.

Robert Sullivan: In an example such as that, where a local authority has a concern about the loss of valued open spaces, and an awful lot of them do have that—that should be reflected in their local plan policies.

Q222 Bob Blackman: So do you think that requirement for a like-for-like replacement where sports fields and open spaces are built on should be in the national framework?

Robert Sullivan: Absolutely, and a specific reference to Sport England’s continued role as a consultee to deliver that is powerful, because the feedback we get is that that isn’t going away. But without that being clearly and explicitly referenced in the guidance, there will be confusion and delineating it would be helpful. 

Stephen Wright: I would absolutely agree that the headline principle of a statement that replacement facilities should be provided maybe does have a place in the NPPF, although that is perhaps subject to the important rider of: “except where there is a clear over-provision”. I am slightly nervous about the like-for-like language. I absolutely understand the need for replacement open spaces where those are being used and needed, but it comes down to level and for a local authority to really understand the use and need and call for open space in their area. They can then understand whether like-for-like replacement is right or whether different facilities are actually better suited. So I think the like-for-like wording is something to be considered.

Q223 Chair: I would just like to get my local point in, like Steve. In Sheffield Hallam the FA wrote to me about these issues, and I was quite astounded to find that there were 3,700 teams playing regularly in local leagues on the pitches we are interested in protecting, which was quite a staggering figure. I would just like to come back to the issue of simplification. Could you give us one or two examples of where the NPPF is written in language that is not as clear as the existing policy, to highlight some of the problems?

Robert Sullivan: I don’t see why there is a double presumption in favour of development—you have a presumption in favour of sustainable development that is locked in through a presumption in favour of the development plan. We should just stick with a presumption in favour of the development plan, which is the current situation. The weasel wording around designated heritage assets—there is very clear guidance in PPS5 about the presumption in favour of their conservation, which is thrown into doubt by the rewriting. Those are two examples that cause concern to us.

Stephen Wright: We have already referred to making explicit what is implicit in terms of the sequential test and the impact test and how that relates to the presumption in favour. That is embedded in the text but it needs to be made clearer. There is also a point around the impact test when it comes to retail, leisure and office development. The draft NPPF proposes...
looking at impact over a 10-year period, which we think is potentially too long for a lot of development. A lot of the impacts of development need to be assessed over a shorter time frame as well to pick up the real impact on local communities. As has been suggested already, I am very happy to provide a draft of the proposals we have suggested if that would be helpful.

Q224 Chair: Yes, anything like that would be more than helpful, and if anybody else has any other specific wording we would be happy to receive that from you. I think that covers most of the subjects you raised with us very adequately. Thank you all very much for giving your evidence to the Committee.

Examination of Witnesses

Witnesses: Emmalene Gottwald, Senior Planning Advisor, WWF-UK, Shaun Spiers, Chief Executive, Campaign to Protect Rural England, Stephen Joseph, Executive Director, Campaign for Better Transport, and Roger Harding, Head of Policy, Research and Public Affairs, Shelter, gave evidence.

Roger Harding: From Shelter’s point of view it is very clear that the overall system is failing. There is a completely unmet need for new housing at the moment, and home ownership levels have been dropping for over eight years and look ready to drop for another 10 years. We highlighted just last week that private rents are now unaffordable for a typical family in over 50% of local authority areas, so it is very clear that more needs to happen and the overall system is failing. However, on the flipside, it is hard to place all of that blame at the door of planning. Undoubtedly there are changes that could be made to planning, and once those changes are made it is important we have a more stable planning system and give some predictability to developers. Overall, in terms of the housing debate, there is a useful role the Committee can play. Successive Governments have failed on housing and it is going to take stability of policy, political consensus on the solutions and a long-term commitment to housing to get it in a better stead. A cross-party Committee is a good place to start developing that consensus.

One area I am glad the Committee will be looking into in the future is the need for more housing finance, which has been seriously absent. There has been a series of changes to the planning system since the Second World War. Private development has been remarkably consistent during that period; there are slight peaks and troughs depending on the economic cycle, but it is remarkably consistent. In fact it got to its highest levels in the 1960s, when public investment was at its highest. So whilst some planning changes could make an important difference, undoubtedly what we ultimately need is more investment both from the public sector but also more state-facilitated private investment as well.

Emmalene Gottwald: I agree with what Shaun said in some ways: you never have a perfect system. There is always a need to review it, monitor it, manage it, and to update it in accordance with changing circumstances. So in some ways to argue that reform is or is not necessary is a bit strange, because you always need to reform your policies in some ways to deal with the changing circumstances.

The planning system is never static, it is always dynamic, and should be changed to accord to the different things it needs to take into account over time. Having considered that, we then need to think about what reforms are required, what timing is required to promote growth, what timing is required to deal with the changing circumstances.


Q225 Chair: Good afternoon and thank you all for attending our third evidence session in the inquiry into the Draft National Planning Policy Framework. Could you, for the sake of our records, begin by introducing yourselves and saying the organisation you represent?

Shaun Spiers: I am Shaun Spiers, Chief Executive of the Campaign to Protect Rural England.

Roger Harding: I am Roger Harding, Head of Policy, Research and Public Affairs at the housing and homelessness charity Shelter.

Emmalene Gottwald: I am Emmalene Gottwald, Senior Planning Advisor at WWF-UK.


Q226 Chair: You are all welcome. Thank you for the evidence you sent in writing so far. The Government has brought about the draft NPPF and said that we really need these changes and really need reform to the planning system because we need more growth and more development, and the planning system is an obstacle to it. Do you agree with that?

Shaun Spiers: It would be wrong to suggest that planning cannot be improved and there are not instances in which the way the planning system currently works slows down or impedes development. However, the idea that the planning system is the main thing preventing economic growth, or even a really significant thing preventing economic growth and the provision of the housing we need, is mistaken. Clearly, there would be a short-term burst of growth if you considerably weaken planning control, because you would end up giving approval to a whole lot of things that previously would not have been approved and probably, in the CPRE’s view, should not have been approved. So the relationship between planning and economic growth is much more complex than has been suggested in a lot of the rhetoric around this and CPRE, together with other NGOs, has commissioned some research into this that we hope will be ready quite shortly. Actually the research the Treasury is relying on is very old and, we think, quite thin.

Q227 Chair: Could you make that research available to this Committee? Do you have any idea when it will be available?

Shaun Spiers: Hopefully within the next month.²

² Expected to be published in December 2011
introduce those reforms, and also what their impact is going to be. That is where I have concerns about the current reforms. I do not know if we have the evidence that comes from looking over reforms in the past, seeing how they were implemented over time, and assessing whether those were good or bad reforms and what needs to happen beyond that to make the current reforms we are going through better and improve the system. Or are we just taking this very quick analysis and wanting to respond to the immediate economic crisis and change a system that is very easily changeable through reform?

I think we need to assess the current situation in terms of economic growth and how the planning system can respond to that, but also look at the other challenges that we are facing and how the planning system needs to respond to that as well. If we say that the planning system needs purely to respond to economic growth, then what about the other challenges we face, like climate change, loss of biodiversity or some of the social challenges such as deprivation and sustainable communities? We cannot really focus the planning system on one particular element; we need to look at all the different challenges and allow the planning system to respond to all of them rather than just focusing on one.  

Stephen Joseph: We do need growth but not at any cost, because that will not be sustainable growth. What we need is smart growth that respects limits, including not just limits on planning but the limits of road space and the ability of a densely populated island to accommodate levels of traffic. Our concern is that, as currently drafted, the NPPF will actually choke economic growth by producing more car-based development and therefore more traffic congestion. Even in its own terms, this NPPF as currently drafted will not help the economy.

Q229 Chair: We will move on to detail in a little while. Are there any other views?  

Emmalene Gottwald: It depends on what you see as the role of the National Planning Policy Framework.

Secondly, there is the removal of requirements for transport assessments, travel plans and parking standards. There were concerns that things that could be provided but are not required. Thirdly, there is a strong severity test on refusal of development on transport and traffic grounds. Taken together, those amount to significant threats, although it is possible to rewrite them and perhaps we will come on to how we might change them. The response we have made, and the response made by other groups concerned with transport, suggests that you can deal with this and create a planning framework that genuinely promotes sustainable development in transport and other terms without lengthening it.

Stephen Joseph: I know we said in our evidence that it was an appalling document, but I think there are things that could be done with it. In particular there are some severe threats in relation to transport in the way the thing is drafted. The first is the removal of office and commercial development from the town centre first policy. Those are large traffic-generating developments. If they are located in places that cannot be easily reached by public transport and you get large-scale, single-occupancy car users commuting to those places, you will get significant congestion. We did some modelling of what would happen if you put business parks next to the M1, where there are already some business parks, and you get an increase in congestion of around 16%, which would be enough to tip it over into permanent peak-time conditions.

Roger Harding: Given the pace of change on this and several other things, at Shelter we focused, within the confines of what the Government has put forward, on looking at ways in which we can improve it and have been unable to take a full historical look at this system versus another one. However within this, and looking to improve the NPPF, what has been missing in a lot of public debates has been the focus on the social. There has been a lot of focus on growth, the economy and some of the environmental challenges put to the NPPF, and sadly, as I say, the social has been neglected. There are important areas there that need to be looked at again and tightened up. For example, the definition of what qualifies as affordable housing
has been changed quite substantially, and potentially in a way that allows housing to be brought forward that is classified under the NPPF as affordable but is not genuinely affordable to the people who live there. There are important clarifications that need to go into the guidance related to the NPPF on needs assessments to inform local authorities’ plans on affordable housing. There are a couple of other areas as well that really need to be looked at on the social section to bolster that more.

More generally there is a need to look at clarifying a few terms within the document, because while a drive towards simplicity is admirable, there is always a danger with simplified documents that they are in effect a simplified document underpinned by a forest’s-worth of court judgments that make up the real document but are not technically bound within it. So if certain terms are not clarified in the NPPF, I think we will be doing that over the next couple of years or more in the courts.

Then finally, beyond the NPPF, there are some tweaks that need to be made to the transitional arrangements to make sure there is not a flurry of potential court judgments or applications brought forward while local authorities adjust to the new system that might not be in keeping with the long-term needs of the community and the NPPF itself.

**Shaun Spiers:** The CPRE thinks at this stage the important thing is to get the document right, not to start again, and we do need certainty in the planning system. We have made some detailed suggestions in our modest, 60-page submission, and if most were taken on board I think it would be a pretty good document. I do not think it is impossible to make it a good document. The last couple of months have been quite entertaining for those interested in planning, but it is regrettable that we have had this huge storm. It is interesting that in Scotland, where they went through a similar process of compressing planning guidance into about 80 pages, that was done through consensus, and when the draft document was released there were arguments around the detail but not the fundamentals. The really important thing now is that the Government is listening but the Treasury is standing back. The really important things that need to be looked at on the social section to bolster that more. Sustainable development is not just about local issues; it is about connecting the local with the sub-national, with the national and with the global. All of our actions, even at a very local level, may have an impact on a global situation, so we need to connect all of those things and make sure we are acting within each of the frameworks that regulate that.

**Q230 Bob Blackman:** The current view is that the NPPF will set the broad strategy and will be supplemented by local plans, which will be determined by local people as to what is going to happen at their level. What concerns do you have, if any, about achieving sustainable development and the differences in interpretation that may take place between local authorities?

**Emmalene Gottwald:** If we look at some of the practice now, there has been inconsistency in how sustainable development is applied at the local level. Some people look to one pillar more than the others, and develop their policies around that pillar to fulfil what they see as their local needs, and they will not necessarily look to the other pillars. You also have particular organisations that have more of an environmental focus, which will focus on really pushing the environment, and then you have other organisations that focus on pushing something else, and you do not end up with an integrated approach. So what we are pushing for, in terms of greater clarity of definition at the national level, is to provide a framework in which local authorities can work, knowing there is some certainty and consistency across the board. So they start from that initial framework, and then they look to their local circumstances to work out how they can contribute to those greater needs across England and make sure they are working together to achieve those. Sustainable development is not just about local issues; it is about connecting the local with the sub-national, with the national and with the global. All of our actions, even at a very local level, may have an impact on a global situation, so we need to connect all of those things and make sure we are acting within each of the frameworks that regulate that.

**Q231 Bob Blackman:** We have had evidence that says sustainable development is a well-known and well-understood principle, and therefore there does not need to be any greater clarity of definition. You seem to contradict that view, and I just want to be clear what your evidence would be as to what that definition should be.

**Emmalene Gottwald:** We put in our evidence and our submission to DCLG that we think the definition within the NPPF should be the Brundtland definition, but also the principles from the sustainable development strategy that are consistent with what was in PPS1 and understood within the planning system now. That provides a good framework at that higher level, which is still flexible to be used at the local level to take into account the different circumstances at the local level. There has been lots of good debate. I have worked a lot on the Localism Bill, trying to get different provisions within the Bill looking at sustainable development. There has been lots of good debate in that about what sustainable development means, and each time there have been lots of people coming forward and saying sustainable development means different things. Actually, if we sat down and talked about it, we could probably come up with a definition that we would all agree with. We have these
documents that put forward the definitions we all know, such as the Brundtland Commission report—

Q232 Bob Blackman: Sorry—without exploring all those issues, which I think we are quite clear on, your position is that a clear statement and definition should be in the NPPF?

Emmalene Gottwald: Yes, I think so.

Q233 Bob Blackman: In the evidence you presented to us, you suggested that local plans would be out of date as a result of the NPPF. What do you mean by that?

Emmalene Gottwald: “Out of date” is a term that is used within the NPPF itself, hence my using that term. I would actually prefer that it not be used, because it could lead to inconsistency at the local level. I have suggested that what should be used is terminology that the developers know throughout the planning system, which is “consistent”. So at the moment the test of soundness will check whether a local plan is consistent with national policy, and I think that is much better terminology. Regarding what out of date means, if we look at the changes being made to the current system, we have the Localism Bill, which will make changes in terms of neighbourhood planning and regional strategies, and introduce a duty to cooperate; and then we have a revision of national policy. So when it comes to a decision or an application being decided, the current presumption is that you look to the development plan unless there are material considerations to indicate otherwise. So if there have been changes in the planning system or policy since the development plan was adopted, they would be material considerations. The national policy, in particular, is a material consideration. So if the national policy is a more recent document and is different from the development plan, that means that would be a material consideration that would make the development plan out of date, and therefore the decision would be decided in accordance with the material considerations, rather than the development plan. Does that make sense?

Q234 Bob Blackman: Yes, I understand the issues. Does anyone else want to come in on the issue of local versus national plans?

Roger Harding: In terms of what could vary locally if the NPPF goes ahead as it is currently, one concern we have at Shelter is the assessment of local housing need.

Q235 Bob Blackman: Can I just be clear: is that quality, quantity or both?

Roger Harding: It’s the methodology and process that has to be used by a local authority’s planning office, basically, to pull together an understanding of the housing demand in an area and the housing need. At the moment, under the old system, they have to set out how many affordable homes they intend to build over a given period and also break down whether that is social rented homes, intermediate rent, low-cost home ownership homes and so on.

At the moment, as the NPPF requires, local authorities have to pull together a strategic housing market assessment, which is that vehicle that pulls together all this data on housing need. While there is national guidance, local authorities have applied that in quite varying ways. They have tended to use differing methodologies and have often tended to outsource it to consultants, which is quite expensive, and there has been a mini-boom for some of those consultants, pulling those together using a national process rather than flexing it to the local authority area. You find that, when you put a lot of those housing market assessments together, a lot of the areas they cover end up overlapping, so it becomes quite hard to get an assessment of the need in an area beyond the local. What we would like to see is improved guidance, and Shelter, Campaign to Protect Rural England, and many of the planning bodies are already working on this. This would set out a clearer methodology for assessing this need at a local level. Assessing the need at a local level in a more accurate way is exactly what is needed to make the case to people locally that more housing is needed.

Q236 Bob Blackman: So you think there should be national guidance on how these local plans are put together and the standards that are applied?

Roger Harding: National guidance and national support on what data local authorities use to inform their local plans—I know that seems potentially contradictory, but this is national support almost to facilitate localism. There are a lot of benefits of local authorities getting together to use similar methodology, and in fact it is something that local authorities recognise themselves. Shelter commissioned some research from the University of Cambridge that is published today, showing that over 80% of local authorities would welcome more guidance on the assessment of housing need in their local area.3

Q237 Bob Blackman: So that is published and in the public domain?

Roger Harding: Yes, as of today, I can send the Committee a copy of that. They recognise that is a more efficient process for collating need and understanding need. It is also a system that helps them collaborate across borders. If you are all using a similar methodology, you can understand the trade-offs, and it facilitates the discussions that need to happen between neighbouring local authorities as to where housing is going to be built, particularly if one local authority has some significant land-supply constraints. It also helps people hold their local authority to account. If the needs data are robust, they can point to those and say to their local politicians, “Why is it that you are not building sufficient houses at the moment?”, whereas there is a danger at the moment that local authorities are setting their own needs assessments or have the ability to, to some degree. So

3 See S. Monk, A. Clarke, F. Lyall Grant, Providing the evidence base for local housing need and demand assessments, Cambridge Centre for Housing and Planning Research, October 2011.
there is a danger that, if they feel they are going to be unable or unwilling to deliver more housing, they could use a definition of housing need that produces a somewhat lower figure than is the actual reality on the ground. So that is an important area where national guidance would help to stop some negative deviation at a local authority area.

The second area for me is the definition of affordable housing. There are many reasons why local authorities may potentially get to a situation where they are either not building affordable housing or they are building affordable housing that is not genuinely affordable for the people who live there. That may be for political expediency, or due to developers using their lobbying power to make the case that certain affordable housing is not necessary on the development they are bringing forward. Under PPS3, affordable housing is defined as being housing the eligibility of which is set according to people’s ability to pay—the cost of it, whether to buy or to rent, should be a cost that is affordable to local people. Under the NPPF, the eligibility for affordable housing simply has to have reference to local incomes. That is a small change but it is a very important change.

Furthermore, the NPPF does not place any duty on local authorities to set out how much affordable housing they intend to build over a given period of their local plan. That is not to say that we need national targets on affordable housing, but it should be right that local authorities very clearly set out their ambition in terms of affordable housing: how much they intend to build over a local plan period and, within that, what types of affordable housing. These would be important tweaks that would help collaboration between local authorities but would also make their performance more transparent and more accountable to local people.

**Q238 Bob Blackman:** Mr Spiers, you seemed to suggest in your evidence that this Certificate of Conformity should pressurise local authorities to go beyond the requirements of the law. Could you explain why and what the impact would be?

**Shaun Spiers:** In terms of the strains between local and national, we welcome the aspiration to be more localist. We are concerned that if the local plan has to be in conformity with the NPPF—we think the NPPF is weighted in favour of development: a local authority must show that the adverse impacts of development significantly and demonstrably outweigh the beneficial impacts, and so on—then the scope for the local authority to take the decisions that we, or they, might want to take is severely constrained. So I think that is the real problem. There are some detailed questions about the way the Certificate of Conformity would work that were raised in our legal advice, which you have. I think those are good questions for the Government.

The other aspect of the ability for local authorities to benefit from the new planning framework that needs some attention is cultural change and resources in local planning authorities. There is a sometimes a sense in discussions that we have a perfect system, and if you free up planners to plan positively and not just to be concerned with development control all the time, and if reasonable people act reasonably, then good outcomes will emerge. Planning is a hugely contested area, which provokes great passions and involves a considerable amount of money. If you are doing it in the context of a definition of stable development that is so vague that one could make almost anything of it, but the impulse is all the time to say “Support development”, there are real questions about whether local communities are going to be able to benefit from this new framework.

**Q239 Bob Blackman:** Unfortunately, we did not see this until the Committee was literally about to start.  

**Shaun Spiers:** Didn’t see what?

**Q240 Bob Blackman:** The legal advice.

**Shaun Spiers:** My apologies for that.

**Q241 Bob Blackman:** So I have not had a chance to study it in detail. Are you suggesting in this that in some way, shape or form, the NPPF would be unlawful?

**Shaun Spiers:** No. On the question on sustainability, what the NPPF says is that the sustainable development is the 52 pages. What our lawyer, John Hobson, says is that the problem with this is that the “key sustainable development principles are not easy to identify or extract from the text of the NPPF”.

**Q242 Bob Blackman:** Which we would all agree with.

**Shaun Spiers:** He is more or less saying it is going to be a field day for lawyers, and he and his colleagues are probably going around in disguise at the moment.

**Q243 Bob Blackman:** Mr Joseph, do you want to comment?

**Stephen Joseph:** What we would want to see are some key principles of what transport means in terms of sustainable development actually written into the document. You can do that from an evidence-based point of view. We produced a document three years ago called the Masterplanning Checklist, which went through 120 references of what sustainable transport would actually look like in planning terms. I notice the Passenger Transport Executive Group have recently updated that and done some case studies of what that looks like in practice. There are some clear principles here: provide development that is needed in the most sustainable pattern locations; promote more sustainable communities and neighbourhoods where all day-to-day services are highly accessible and reduce the need to travel; support provision of sustainable transport; and reduce emissions. Those are main principles of policy that can and should be set down, not in a little section marked “transport” but in the main bits of the document. We want to see that mainstreamed into the vision for growth at the start of the document.

**Q244 Bob Blackman:** My colleagues will come on to talk about transport a bit further, but can I just clarify one issue that you raised earlier, on car parking standards? You seem to have an issue about the
Government’s relaxation of the rules on car parking standards.

Stephen Joseph: The lesson from when we had locally set car parking standards is that, in conditions where you had a lot of economic growth and a lot of demand, councils were played off against each other on car parking, and development that was mobile tended to migrate to the place where they could get the highest standards.

Q245 Bob Blackman: Can I clarify: do you think there should be a national standard on car parking, or do you think local authorities should determine the car parking standards that they wish to have and local people should have their say on what those standards should be?

Stephen Joseph: Ideally, there should be a national maximum that local authorities can go beyond if they want to in certain locations. I accept that that doesn’t accord with localism, so the next best thing would be to make sure—as the draft policy currently doesn’t—that local authorities do set maximum standards that they are happy with, rather than leaving it up to them whether to set car parking standards at all. The reason for that is simple: certainty for developers; then they will know that every authority will have maximum standards and they can work with those. I think this is more about commercial development, by the way, than residential development.

Q246 Heidi Alexander: We are talking about sustainable development in the round, and I just wonder whether, in your view, to crack sustainable development in the UK we need a national spatial plan?

Stephen Joseph: Other countries have such plans and they integrate transport and spatial planning, which we have never done. The classic story on this is Milton Keynes. The decision to designate Milton Keynes as a new town was announced by the Minister for Housing and Local Government in the 1960s in the same week as the Minister for Transport announced the closure of the Oxford-Cambridge railway line, which went through the site of Milton Keynes.

Arguably, other countries’ economic success is built on the fact that they integrate transport and spatial planning effectively at national, regional and local level. Through that, they are able to get development focused around transport. We have recently done a car dependency scorecard comparing UK capitals with other capitals in the rest of Europe, and the result is other countries have higher GDP with less car use, because it is made easier for people to live in places without cars. There are notable developments in parts of Freiburg and Stockholm where the majority of movement is not by car. It is possible to aspire to that in new developments and indeed in refurbished old developments. So we need some kind of spatial planning at a national level that integrates those. A current issue, for example, is high-speed rail; if we do not have some kind of spatial planning associated with high-speed rail, it will not produce, we would argue, the regeneration of places in the north, Birmingham and Manchester. Instead, it will enlarge the London commuter belt to places like Birmingham, Sheffield and so on. Every other country that has done high-speed rail has integrated it with a spatial planning policy.

Emmalene Gottwald: A spatial plan at a national level is a very useful tool for determining whether co-ordinated efforts across England are helping us to contribute as a whole to sustainable development. In some ways, it is the process you go through to develop that plan that is the most important. It is giving that visual dimension to it and having to map things on a plan that allows you to identify where you want to have sustainable development and a national spatial plan that allows you to identify what the different needs are and where they are; the different limitations we are facing in terms of land; the different opportunities that may be there for development or a different use of land; the competing interests that may overlap or not, and how we can identify integrated delivery of all the needs that we have. So by going through that process of having a plan and then looking at the spatial implications of policies by mapping on that plan, you can then come up with some answers as to what we need to do to achieve sustainable development.

Q247 Heidi Alexander: So I have heard two yeses. What would you say Mr Harding? Actually, let me put this question slightly differently to you: are the affordable housing needs of London going to be solved in London alone?

Roger Harding: That is exactly what I was going to say. I was going to answer that question by saying that they cannot be, unfortunately. As I understand it, we will become the only European country without an above-local level of spatial planning, so it is certainly quite an experiment. There are some quite important issues in there to consider, such as the London issue of affordable housing.

There has been a lot of discussion, post the credit crunch, of rebalancing our economy, not just in terms of industries but also geographically. We are going to have to have more of a think than we have currently had about how we are going to have to use planning to enable that kind of shift. It is also worth saying that in the research we have done, one of the biggest reasons why people tend to oppose development in their area is fear over the impact on local infrastructure, particularly roads and transport. If that is not linked up, it can make it understandable why people are blocking developments—even though I come from a pro-development organisation—because those needs have not been properly considered. So if we want to get to a situation where more people are far more welcoming of development—and can see that, far from degrading their area, it will actually improve their area and negate their concerns about dropping house prices—we will have to link up things like transport and housing planning far more closely than we currently do.

Shaun Spiers: I agree with the previous speakers, but we are not going to get a national spatial plan so the important thing is to make the duty to co-operate not just a duty but an opportunity. From the CPRE’s point of view the other concern is that if the Local Enterprise Partnerships stand proxy for the regional assemblies, they are actually less transparent and less...
Q248 Mark Pawsey: I want to raise some questions about protection of the environment, so these are probably geared more towards Mr Spiers and Ms Gottwald than the other two witnesses. Mr Harding said that there was lots of focus on the economic and environmental aspects within the NPPF but the social had been missed out. Do you agree with him? Is there enough on the environmental protection?

Shaun Spiers: We are particularly concerned about the loss of any recognition of the intrinsic value of the ordinary countryside for the first time in planning guidance in over 60 years. We think it will be harder to deliver the aspirations of the Natural Environment White Paper without something along the lines of the wording currently in PPS4, although there have been other formulations over the years. That is a particular concern.

We are concerned about the environmental impacts of all sorts of things in this plan, including, for example, the loss of Brownfield First, which has been hugely important not only for regeneration of towns and cities but also for protecting the countryside. I am sorry you only just got our legal advice, but we are concerned that the presumption in favour of economic growth in the green belt, coupled with the overall presumption in favour of sustainable development, will actually weaken protection of the green belt. I do not believe that is the Government’s intention; I believe the Government is very serious about wanting to protect the green belt, but the effect the NPPF will have, unless amended, will be to weaken green belt protection. This will be the case even in areas of outstanding natural beauty and National Parks; unless there is more regard for the setting of protected areas, they will also be weakened.

So I do not disagree with Roger’s point about the need to take the social very seriously as well. However, we are concerned that, sometimes inadvertently, as with green belt—sometimes we are not quite sure if it is inadvertent or not, as with the loss of the recognition of the intrinsic value of the ordinary countryside—environmental protections are being weakened in this document.

Emmalene Gottwald: I would agree. We support the fact that the LEPs fill the gap, but the LEPs are likely to be more narrowly business focused, so they can take account of some of the other things we have been speaking about.

Q249 Mark Pawsey: Have you got any thoughts about how those have been lost? Mr Spiers suggested that the intention is there but the result is something rather different. Do you think it is because of this economic fixation the Government seem to have—that economic growth is massively important—that all these other ideas have been put on one side: because of the desperate need to achieve economic growth in the present climate? Do you think that that is where the Government have gone wrong?

Emmalene Gottwald: I think there are a couple of factors, and yes, that is one. The predominant focus is on the economy and the idea that the planning system should be about sustainable economic growth, rather than integration of social, economic and environmental factors. However, the summarising of environmental policies means that you have not necessarily transferred across some of the important objectives, because they have just been shortened and you have lost some of the really valuable wording and intention behind what the objectives were in the first place.

Q250 Mark Pawsey: Do you agree that protection of the green belt and areas of outstanding natural beauty, which is set out very clearly in the NPPF and the Government’s objectives, has been lost or is not clear enough?

Emmalene Gottwald: Those protections are still there but they are weakened by the focus on and presumption in favour of economic growth. So you would seek to apply those policies, but if the impact on the green belt or the environment generally was not so significant or demonstrable as to outweigh some economic benefit from the development, then a local authority would be obliged to say they would grant a development that would impact on those things.
Q251 Mark Pawsey: Mr Spiers, have I summed up your position—that you think the intention is there but the execution has gone wrong somewhere?
Shaun Spiers: I think the intention is there on green belt. One of the problems is that it is not clear what the intention is reading the document as a whole; it would be difficult to read the document as a whole and think the intention is to strengthen protection of the natural environment. The overriding thing that comes across reading the document as a whole is that the intention is to weaken the planning system to give a short-term burst to economic growth, hoping that that does not harm the environment too much. I do not think people wake up in the morning and think about how they can draft a planning policy that will really weaken the environment; but the impulse has not been to strengthen the environment and produce a document that is really serious about sustainable development, and that gives equal weight to the social, the environmental and the economic. It is quite clear to almost anyone who reads this document that the priority is in favour of the economic. So the definition of sustainable development here is actually not sustainable development: it is economic development.

Q252 Mark Pawsey: You obviously do not like the presumption in favour of sustainable development. Would you rather that applicants had to demonstrate a presumption in favour of sustainable development? Would that be better?
Shaun Spiers: If you had a proper definition of sustainable development, that might not be necessary, but it would be interesting to find out what the Government thought might be unsustainable.
Emmalene Gottwald: I would prefer criteria that set out what is sustainable, to be applied—

Q253 Mark Pawsey: So you would like a massive, long definition?
Emmalene Gottwald: I do not think it has to be that detailed. The whole process of weighing up benefits and impacts is not necessarily a test of sustainability; it is actually looking at what the benefits and impacts are, and they may not mean that a development is sustainable. That is done in the normal planning system anyway. I think we could probably establish some key tests for each of the pillars of sustainable development, which would need to be put within the NPPF and against which development could be tested. For example, if we look at housing, it could be that they accord with the zero carbon homes policy. If it is to do with transport, you could look at things like accessibility requirements.

Q254 Mark Pawsey: But would you like all of this prescribed within the NPPF? Would you like developers to demonstrate the sustainability of their projects? Or do you think that would have an impact on the number of houses built in the next few years?
Emmalene Gottwald: I think they should be doing this anyway. These are current Government policies that we could be making more explicit as the test of sustainability. We already have policy within the NPPF dealing with each of the topics, so I cannot see that it would be difficult to pull out one in particular for each topic, saying it is the absolute thing that must be met if the presumption is to apply.

Q255 Mark Pawsey: Mr Harding, would you like to take the advice of your colleagues and bring those additional restrictions into the NPPF?
Roger Harding: I was going to make a more general point, which is that, while Shelter would largely support the brownfield first proposal, I think there is a danger that that and the wider debates get caught up into thinking it is either brownfield only or majority brownfield. We have to recognise that the last Government set a brownfield target that was significantly exceeded; we built on an awful lot of brownfield land and we built on a lot of the good stuff, so there is not so much good brownfield land available for development. If we are to build more family homes, as we all now recognise we did not do enough of, and if we are to stop building the smallest homes in Europe, we are going to need to bring on-stream much more land than we currently have. I am afraid that means having to build on much more greenfield land, and probably majority greenfield land over the longer term, so I think that is worth noting.

Some recent analysis produced by Vicky Pryce at FTI Consulting highlighted that you could certainly use housing to bring forward economic growth through housing investment—mainly public, but also facilitated private—but that doing it through the planning system would only have a medium to long-term impact. It is hard to see how changes to the planning system would affect our economic growth over the next couple of years. So if we want to use housing to push forward our overall growth and GDP, we are going to have to look at bringing forward more investment into it.

Q256 Mark Pawsey: Mr Joseph, what are your thoughts on environmental protection?
Stephen Joseph: The problem is that the last bit of paragraph 14 in the current draft, which talks about how “all of these policies should apply 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”, will have more weight than any individual bit of the NPPF. That means you can put in nice words about green belt or heritage, but such wording, inserted at the behest of the Treasury and so on, will set a very high bar against which any other consideration in short-term economic development can be judged.

As I have said, I think it is possible to put down some principles that make transport sustainable, and sustainable in all three terms. It is worth saying that
car-based development, or development built on the outskirts of a number of cities that has been built as affordable housing, has resulted in very large public and private costs in terms of wider social problems and people not being able to access key facilities. Therefore, less car-based development—both homes and other development—is critical for economic, social and environmental purposes in reducing emissions, social problems and congestion.

Stephen Joseph: The stock of developable brownfield land has actually grown overall, including in the south east, in recent years, and we will send you some data on that if it would be helpful.4

Chair: That would be helpful; thank you very much.

Q257 Heidi Alexander: I would like to return to the transport impacts of the NPPF, and this is perhaps more to Mr Joseph and Ms Gottwald. How would you characterise the impact on transport patterns of the NPPF as currently drafted, and what would be the impact on carbon emissions as a result of the impact on transport patterns?

Stephen Joseph: For the reasons I have already mentioned, the promotion of office and commercial development from the town centre first policy, the severity test for opposing things, and the removal of transport assessments for major new development—it seems to us there is the danger of significantly car-based development and increased congestion. I think there is a misunderstanding of some of the evidence. As I have mentioned, we have done some research, and every business park you add to the M1 adds 16% to congestion. That is not an attractive proposition. We worked out—just for the sake of doing it; not that we think it is likely to happen—that if you add a business park at every motorway junction between London and Sheffield, you would lengthen the journey time from London to Sheffield by 50 minutes. That is not going to add any economic growth whatsoever. So we think there are principles that can be brought back in. In Planning Policy Guidance 13, there is a paragraph at the start that should be brought into the start of the NPPF. It sets out clear principles for sustainable development, accessibility of development, and co-location—you yourself commented on that in last week’s debate, which I am sad enough to have read some of. David Miliband once talked about putting things within “pram-pushing distance” and having key facilities within walking distance from people’s houses. It is possible to design development like that, but we do not do it because we never ask people to do it.

Q258 Heidi Alexander: So you think that the NPPF will mean car journeys up, carbon emissions up?

Stephen Joseph: Absolutely.

Q259 Heidi Alexander: Would you agree with that? Emmalene Gottwald: I do agree with that, because I think we are not only going my view—but you have the same strength of policy to encourage mixed-use development, making sure that you have suitable design within development to encourage walking and cycling, and demand-management of transport issues. So in terms of what WWF does in transport policy more generally, we look at some of the technology issues to reduce emissions but we also look at the demand-management side of things. We need to be moving towards more policy that is addressing demand and ways of reducing demand, rather than just focusing on the technological side of things. We seem to be getting a weakening of that in national policy, which is pretty much saying that you can decide what is relevant for the local area, keeping in mind that we need development that brings economic benefit; that may bring more cars as people need to travel to that development. We need to look more at the land side of things and how we can encourage policy on that.

Q260 Heidi Alexander: How do you feel the document copes with giving local authorities the ability to refuse development on transport grounds? Some people suggest there is a weakening of the ability of a local authority to turn down development as a result of transport assessments, and I just wonder how you feel about that. What specifically would you like to see changed in the document to correct that, if you do see it as a problem?

Stephen Joseph: The particular thing is the test in the transport section about severity. You have to prove that the impacts of transport and traffic are severe before you can turn something down. That is a very high bar and will, I can see, require lots of appeals and huge employment of transport consultants on all sides to be able to prove that. It would be much better to use the transport assessments and travel plan requirements that are the basis in PPG13 and elsewhere, and to do that, as I have said, as part of a broader framework that has clear principles at its heart about locating development where it can be well served by public transport. So the location of development is the core point of this, both accessibility and focusing development on strengthening town centres, rather than weakening them. We have seen in the Merry Hill Centre in Mr Pawsey’s constituency—no, it is not your constituency.

Q261 Mark Pawsey: That is not in my constituency.

Stephen Joseph: Sorry, it is another Member. I got that wrong. Out-of-town shopping centres from the last round of development in the 1980s has weakened town centres, and we need to move away from that.

Q262 David Heyes: Just staying with housing, I have a couple of clarification questions. The CPRE are unhappy about the additional 20% requirement on the five-year housing land allocation. Can you expand on that—why is that your view?

Shaun Spiers: We think that having a five-year land supply plus 20%, minus windfalls, will put irresistible pressure on local authorities to release greenfield land unnecessarily. That will undermine the sustainability principles behind the framework as a whole and

4 Our research doesn’t quite say this. BF stock as grown overall, including in the south east and south west, but it has fallen in some of the other regions. Brownfield research to be published and sent to the Committee.
simply enable developers to cherry-pick greenfield sites. We have already seen some developers, Bovis Homes for instance, saying in their published six-monthly results that there is now a nod and a wink from Government that we will be able to develop more greenfield sites. So we feel the 20% is unnecessary and will undermine sustainability.

Q263 David Heyes: I think Mr Harding said it was Shelter’s belief that the direction of travel pushes towards more building on greenfield, and potentially greenbelt, land.

Roger Harding: If we are to meet the level of housing supply that we need in this country, and we are to make housing more affordable, reduce overcrowding and allow future generations of families to live as their parents did when they were growing up, we have to face up to the fact that we will have to build on some greenfield land. That is not to say we should ignore brownfield land; we definitely should build on that. We should also recognise that building on greenfield is not necessarily a detrimental thing; a lot of it is low-grade agricultural land with zero biodiversity because it has been subject to constant pesticides for the last 50 years. So actually, by creating good, suburban family housing, it could improve both the environmental aspect and the social aspect.

Q264 David Heyes: I think Mr Spiers wants to come back on that.

Shaun Spiers: I think the aspiration for building new housing should be win, win. We should actually improve the environment, and that is mostly done through developing on brownfield land.

There is no doubt we have a housing crisis and there is no doubt we are building many fewer homes than we need to. The frustration with this debate is it is implied that this is about the planning system, whereas actually sustainable housing is a major problem. The private housebuilding industry has never built more than 200,000 houses a year since the 1930s. There is no real evidence that they are either willing or able to do so. If you talk to the major housebuilders, they would always prefer margin to volume. I gave a speech to a housebuilding conference a couple of weeks ago, where I was so conciliatory it almost hurt. I was giving examples of CPRE branches supporting housing, including redrawing greenbelt boundaries and saying that I recognise that sometimes we could be seen to be supporting housing in the abstract, but I thought there was a real task for us to show evidence of where we thought the houses could be built. I would like to work with Shelter on that as well, because they have done some interesting research on why people oppose housing. However, the housebuilders need to do something on that as well to show that they are serious about developing Brownfield First, that they were serious about space standards, quality, master-planning and meaningful engagement. I hope that is within a framework that gives people confidence, because if we do not get the framework right we will just carry on with battles about housing across the country.

In response to that speech, the chief economist for the Home Builders Federation said that it was clear from what I had said that quality and standards was the new nimbism. Well really, if the housebuilding industry is not prepared to engage in a serious debate about how we get the housing we need at a quality we need and in places we need, then I am afraid, whatever planning framework you have, you are going to carry on with pitched battles about housing across the country. People will not have any confidence that the houses being built are of the right quality and in the right places.

The problem goes well beyond planning. Planning is an important framework for all this—I do not think this framework is the right one—but if you have a decent planning framework there would still be major problems with the housing market we have. I agree with Roger’s opening statement about that, except that I think it puts too much blame on the planning system.

Roger Harding: I was going to agree that there are many other areas that need to be looked at in addition to planning. There is a temptation on the part of some to look at this as a typical market, and if we just remove the dead hand of regulation, the private developers are ready and willing to up their supply of housing. As has been said, and as I mentioned at the start, the private development industry has never built the number of houses we now need per annum. There is no crowding-out effect, either; the private sector has tended in the past to build more when the public sector has also stepped in.

I am glad the Committee’s next inquiry is on housing finance, because I think that is really important. I really hope that the Government, in its housing strategy due out next month, sets out a long-term vision for supply that goes well beyond planning and looks at finance and the roots of getting the most value out of public investment, but also leveraging in much more private investment. Potentially, it could also look at the structure of the construction industry. That is what we need and, as I said at the start, it is an area where we really need to see some cross-party consensus. Housing is unfortunately one of those areas where we need the three main parties to work together and we need the three main parties to look quite long term. We are not going to solve this crisis in a Parliament and we are certainly not going to solve it if each new Government changes the planning system, the investment framework and so on. So it is really an area where all three parties need to come together.

David Heyes: That is very good. Unless the other witnesses want to add to that, I have nothing further.

Q265 Chair: As happens in all our evidence sessions, we have had a long discussion about sustainable development: trying to define it, trying to get it right, worrying that it is not right and worrying that it is unbalanced. Do we actually need a presumption in favour of sustainable development at all? If we took that out, would it not solve a lot of problems?

Shaun Spiers: I think we would prefer a presumption in favour of the plan. In a way, sustainable development is a proxy for a bigger question about what the purpose of planning is. Is the purpose of planning to get a whole lot of development because...
we are in the economic doldrums; or is the purpose to ensure the wise use of land for ourselves and future generations, meeting social, environmental and economic needs? I think this document faces both ways; it is inconsistent. The Treasury’s mark on it is saying that we need the development and should forget the rest of it, whereas other parts of it are fine and follow on from the aspirations in the Minister’s foreword. However, it does need more than tweaks; it needs a fundamental rewrite to make it consistent with the aspirations set out in the Minister’s foreword. The Treasury’s mark on it is saying that we need the development and should forget the rest of it, whereas other parts of it are fine and follow on from the aspirations in the Minister’s foreword. However, it does need more than tweaks; it needs a fundamental rewrite to make it consistent with the aspirations set out in the Minister’s foreword.

**Roger Harding:** I think it is right to have an incentive—or perhaps even a stick—for local authorities to bring forward their local plans to avoid them stalling, particularly in areas where there is much-needed development. However, I think that ultimately needs to be combined with better transitional arrangements than we have at the moment. We are asking local authorities to take on quite a new role in planning. The Government has said that it intends this to be a fundamental shake-up of planning. That is clearly going to mean a new role for local authorities, so it is right that you give local authorities sufficient time to plan for that change. We have a period of hiatus at the moment, as the Committee has highlighted, between the system of the previous Government and the new system coming on-stream. There is a danger that we could have another such period, with this new system coming on-stream but local authorities not having the nuts and bolts, such as local plans, in place to make that system work. So I think that needs to be looked at again by the Government.

**Emmalene Gottwald:** We would agree that we would prefer a presumption in favour of the plan, but simply pulling out the presumption in favour of sustainable development is not necessarily going to resolve some of the issues. A lot from PPS1 has not been transferred across to the NPPF in terms of how you plan for and deliver sustainable development at the local level. So there would need to be a rethink in the chapter on sustainable development or the principles and policies that are actually included in the NPPF, to guide local authorities on how to deliver it at the local level. So it not just the presumption; yes, that is a huge impact, but we still need a better framework and better policies, and a principled approach to delivering sustainable development at the local level.

**Stephen Joseph:** The previous planning guidance also gave us some presumption in favour of development in accordance with the plan, and we have to make sure it is the right sort of development in the right locations. That is irrespective of whether we have a presumption in favour of sustainable development or not; we need a presumption in favour of development, but in the right places and designed in the right way. Otherwise, you will end up with dumb growth, rather than what the Americans call smart growth.

**Chair:** Okay; thank you all very much for your evidence this afternoon.
Wednesday 9 November 2011

Members present:
Mr Clive Betts (Chair)
Bob Blackman
Simon Danczuk
Bill Esterson
David Heyes

George Hollingbery
James Morris
Mark Pawsey
Heather Wheeler

Examination of Witnesses

Witnesses: Trudi Elliott CBE, Chief Executive, Royal Town Planning Institute. Richard Summers, President, Royal Town Planning Institute, Adrian Penfold, author of the Penfold Review of Non-Planning Consents, and Nick Reeves OBE, Executive Director, Chartered Institution of Water and Environmental Management, gave evidence.

Q266 Chair: Good afternoon, and welcome to our fourth and final evidence session in our inquiry into the draft—"draft" is an important word—national planning policy framework. You are all most welcome. Thank you for the evidence you have submitted in writing so far, and for coming this afternoon. For the sake of our records, may I begin by asking you to tell us who you are and what organisation you represent?

Richard Summers: Good afternoon. I am Richard Summers; I am President of the Royal Town Planning Institute.

Trudi Elliott: Good afternoon. I am Trudi Elliot, and I am the Chief Executive of the Royal Town Planning Institute.

Adrian Penfold: Good afternoon. I am Adrian Penfold; I work for British Land, but I am not here representing British Land.

Nick Reeves: Good afternoon. I am Nick Reeves, Executive Director of the Chartered Institution of Water and Environmental Management.

Q267 Chair: Thank you very much. This is a national framework, and therefore, obviously, it deals with matters that affect all areas of the country, but do you think that it should have a spatial dimension to it, to reflect the fact that different parts of the country are, by their nature, very different? There has certainly been some evidence given to us that the framework assumes that you can have a common approach everywhere, and not reflect these differences in your approach.

Richard Summers: May I start on that, Chairman? The RTPI believes strongly that the national planning policy framework should have a spatial dimension. It should have a vision for areas across the country generally where housing development and business development will be proposed, and where infrastructure is required to support that development. We have argued for a decade or more for a national spatial strategy, and we hope that this will become the fourth pillar of sustainable development.

Nick Reeves: I agree with that. Let us not forget that there are really four pillars of sustainable development. The fourth one, which is often forgotten, is the local cultural dimension and heritage. That is really very important, and the framework ought to take account of it. Indeed, any proposal for a planning framework ought to be very mindful of the cultural aspirations of people and their local communities.

Adrian Penfold: I do not have strong views on this, but there is a bit of a dichotomy in a world where one is trying to achieve a less centralised, more local system, and less prescription from the centre. It is perhaps not surprising that more is left to the local, and that those sorts of policies would emerge more within a local authority, or a combination of local authorities working together. City regions might be one example of that.

Trudi Elliott: One area with which we could assist local communities was if, in terms of spatial, we simply brought together all the spatial priorities that Departments already have. They exist, and bringing them together and making them more transparent will help locally.

Q268 Chair: Will you explain that a little bit further, please?

Trudi Elliott: Most Departments have at least some policies that have a spatial dimension—a geographic footprint. That might be where there is land of highest agricultural value, or big transport priorities at the Department for Transport, for example. If you put all those together in a spatial document, it would be very helpful to local communities, in terms of the transparency that it gives about where the Government think priorities should be. We are about to embark on a piece of work trying to do that, to see if that would assist.

Q269 Chair: This would be in addition to the NPPF?

Trudi Elliott: Yes, it would be another aspect of it.

Q270 George Hollingbery: On that issue, there is evidence out there, I think. In my area of Hampshire, we have the Partnership for Urban South Hampshire, which has made very considerable progress in showing that as a region, at a spatial level, local councils are more than capable of pooling sovereignty to make things happen. Is that a model that you can see working across the country, or will it need something grabbable?

Richard Summers: Something like that could work. Indeed, there has been experience in the past with standing conferences on planning for wider areas. The London and South East Regional Planning
Conference, SERPLAN, represented, if I remember, over 100 local authorities working together. That is one way forward. PUSH in South Hampshire is an example in an area that is not so large, and in fact there is a lot to be said for it. I have worked, in what was called the sub-regional strategy for Great Yarmouth and Lowestoft, on the Norfolk coast, across the boundary of two local authorities and the boundary of two counties where an overall view was needed to work out where the housing development and the business development needed to go. That is particularly the case in areas that need regeneration.

Q271 George Hollingbery: Does that not slightly contradict what you have been saying about the need for a national spatial view?

Richard Summers: I think that it works at different levels. Bringing all the planning policy statements together into one, albeit condensed—perhaps a little too much in some places; we shall perhaps come to that—you need an overall picture at the national level about the general direction of where things are going. You then need a view of what I would call the sub-regional level, or a larger-than-local level, where there are clearly cross-boundary issues that need to be worked out between authorities working together.

Q272 George Hollingbery: I will move on to the next question, as we are quite pressed for time, and I think we shall have to vote very shortly. The Committee understands that the RTPI has done some work on the £3 billion number that was used in “The Plan for Growth” by the Chancellor last year. I do not think that this is in the public domain, and you may not wish to talk about it, but if you were able to talk about that figure and the work you have done on it, we would be very grateful.

Trudi Elliott: I am happy to. One of the things that we have been trying to understand is where the figure in “The Plan for Growth”, which said, in terms, that planning cost the economy £3 billion a year, came from. “The Plan for Growth” says that it comes from a Reading university report, so I read that report and, actually, it does not have evidence about £3 billion; that refers back to the Barker report in 2006, where Kate Barker looked at these issues. In that report, she said that there is very little evidence about the costs of planning to the economy; the only study that that refers back to the Barker report in 2006, where Kate Barker looked at these issues. In that report, she said that there is very little evidence about the costs of planning to the economy; the only study that that refers back to the Barker report in 2006, where Kate Barker looked at these issues. 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legacy and put wider social and environmental issues first.

The framework makes it very clear that the economy is right at the heart of the proposed framework. If there has to be a priority, it has to be in favour of the environment, because without a good, healthy environment, we cannot build wholly sustainable communities. One of our real concerns has been and remains developments, developments that have underestimated the requirements for water to supply homes, business and new developments. The other day in the House of Commons, the Environment Minister mentioned the River Kennet, which runs through his constituency; he told the House that at certain times of year he was able to stand at the bottom of the river and not get his feet wet. That is not just a consequence of climate change; it is a consequence of overdevelopment.

Q275 George Hollingbery: I am sorry to stop you there, because I know we are about to run away for 15 minutes. I want to move on if I can, and I know there are other people ready to ask questions. We have evidence that the process is more important than policy in terms of cost and delay. I would like a quick comment on that; how long it takes to get a planning application. But these are complicated decisions; maybe it is the right thing to do. I have had some members of industry complain to me directly that it is big developments that take a lot longer than they should to get done. Finally, perhaps for you to contemplate while we are out, should the emphasis on the economy—paragraphs 13 and 54—be reworded to rebalance the guidance?

Richard Summers: Yes, we do think that the apparent weight that is given to the economic element of sustainable development, particularly in paragraph 13, which introduces the confusing term “sustainable economic growth” after the NPPF has just carefully defined sustainable development, is not helpful. That first-among-equals tone runs through the rest of the document. We think that ought to be made quite clear, so that the mechanism is there to balance economic, social and environmental issues, not only at a national level but in local plans and each particular development application, according to the needs and circumstances of the situation.

Adrian Penfold: On the process and policy side of things, it is easy to confuse the two. It is necessary to introduce new policy and guidance, as a result of localism. As I said earlier, localism implies to me a reduction in the amount of national Government prescription, to allow local people and communities to decide what will happen. To me, that would imply changing the policy as well as the guidance. I think the NPPF also gives guidance on how to operate localism. If one looks at the local plan section and the development management section of the document, they both deal with this new environment of localism and, particularly, of neighbourhood planning, which is new to us all. I think there is a requirement for that.

On policy—and to an extent this touches on the economic growth point—it is frankly for Government. If Government feel they want to make changes—and there are significant changes to policy in this document—they should bring the policies forward, as they have done, and argue for them. To an extent, that has been a bit confused in the way the document has been presented. Is it a reduction in policy? Is it a simplification? Is it just an exercise in précis? Or is there new policy? I think all four are in there, and a bit more clarity about which is which would be helpful.

Q276 Mark Pawsey: We have taken quite a lot of evidence on this Committee on the issue of sustainable development, and questions of definition. I do not want to go into greater depth, thank you. Each of you has said that definition needs building on—there is not enough there; people need to understand rather more what it is. Do you think that presumption will have the desired effect of stimulating economic growth and development, with more houses built? Will that be the result of introducing this concept of sustainable development?

Richard Summers: The presumption may have the effect of stimulating or encouraging local communities to accept growth—business or housing growth—and there are other mechanisms proposed in the Localism Bill to work with that. However, there are two very important threads to the proposed presumption for sustainable development. The first is actually to guide plan making. Although it is mentioned in passing in the document and at the right place, it does not come through strongly enough in my view.

Q277 Mark Pawsey: May I pick you up on that? Do you think that this presumption is there to encourage local authorities to get their plan making in place? Because the basis of the system is that we would rather see a plan-led system than the absence of one.

Richard Summers: I am just coming to that. The second point that I was going to make is that the presumption is proposed secondarily as a backstop where there is no plan or the plan is out of date or whatever. That is likely to have the effect of encouraging more local planning authorities to come forward with local plans. In my travels round the nations and regions of the UK, I am hearing increasingly from planning officers that that is what their members want to do.

Q278 Mark Pawsey: Are they therefore changing their focus? Are local planning authorities saying,
“This is coming forward. We desperately need a local plan. We had better get our act together”? We hear that currently only 50% of authorities have a plan in place.

Richard Summers: Except that lots of planning authorities are marking time at the moment, because of the uncertainty that is caused by the progress of all these planning reforms that are working their way through Parliament and are before us today. That connects to the point that we make about the need for transition arrangements. The risk is that if the button was pressed on the NPPF tomorrow morning, as it is currently drafted, every local plan in the country would be immediately out of date. There needs to be a transition period to ensure that there is a smooth handover. Trudi, perhaps you would like to expand on that?

Trudi Elliott: The point I would make is that unless you have proper transition management, the objective that is in the NPPF of stimulating both the development of plans and also sustainable development could be jeopardised by the degree of uncertainty, because we know from all previous planning reform that unless you get the transition management right, the lack of certainty slows down development and means that you get less rather than more. [Interruption.] Chair: I will suspend the Committee for 10 minutes. We will rush across and rush back and do our best to get back with you in the shortest time possible. Sitting suspended for a Division in the House. On resuming—

Chair: We will go on to Simon, who will start the next section, then we will come back to Mark.

Q279 Simon Danczuk: My question is very much about this phrase “significantly and demonstrably”. What is your definition of that?

Adrian Penfold: I am looking at paragraph 14 and I think it does two things. It means different things in the two different places. It would help if the paragraph was separated into the local plan bit and the development management bit. In the local plan bit, it says that when you are making your local plan you should meet “objectively assessed development needs, unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits”. That is absolutely right. If you are not going to meet need for housing, employment, infrastructure or whatever it is, you should have very good reasons for that. You should be able to demonstrate those reasons and they should be significant, not insignificant. The other way it is used is in development management. If you are going to refuse planning permission for something, the same test is applied. There may be a lesser test that would be applicable there. On the question of whether you meet need, you should have a very high hurdle if you are not going to meet need.

Q280 Simon Danczuk: Do you think that that gives more weight to the economic aspects of development, rather than the other social or environmental aspects of development?

Adrian Penfold: I suppose so, if you see meeting need as being economic in its nature, but one could say that it is social as much as economic. Meeting housing need with both affordable housing and market housing is a social need. I do not think that it does necessarily give more weight.

Q281 Simon Danczuk: Any other views?

Richard Summers: Chairman, there is a risk of this getting a little bit overcomplicated, because what seems to be proposed here is an additional test of adverse impact, over and above the basic need to balance social, economic and environmental considerations in judging sustainable developments in each situation. In fact, the way that you explained it just now demonstrated going back to the basis of the presumption in favour of sustainable development. We think that, actually, this is another added complication to a mechanism that could work well enough without it.

Nick Reeves: It is clearly weighted in favour of economic development over all other considerations. As an environmental institution, that is our real concern. I mentioned earlier the social dimension—issues such as homelessness and sink estates—which is the legacy of poor planning over a long period of time. We want to see a much better definition of sustainable development that really reflects the three pillars that we all know about, and recognises the fourth pillar of cultural identity, which I mentioned at the outset. This document is all about a presumption in favour of economic growth and development, at the expense of all other considerations. I think that is wrong.

Q282 Simon Danczuk: Briefly and finally, to you, Adrian. I have had lots of letters about the NPPF as a Member of Parliament. I am guessing that other MPs have as well. All the letters from developers and house builders have been endorsing and supporting the NPPF, while all the letters from local residents and pressure groups have been saying that the NPPF is not right and needs radical reform. Why do you think that is?

Adrian Penfold: I think the policy is more pro-growth than the current policy. There is an emphasis on economic growth, although I do not think that it outweighs it to the extent that some of the other members of the panel do. If I were to say, there is a danger here from the Government. I suspect that the initial reaction to the Localism Bill from developers was one of concern. Many developers will still have concerns that locality planning could be an excuse for nimbyism and could stop or delay development. It was seen as being potentially quite negative. A lot of us now see that it can be positive and that there are ways in which you can and should work with local communities in a positive way. There were concerns there, particularly from the house builders. To some extent the policy was seen to balance out some of those concerns.

Trudi Elliott: For me, this goes to the heart of one of the problems we have with the document currently. It is a problem that has a solution, which is that there is far too much ambiguity and far too much that can be read more than one way. If you get organisations such as the National Trust with its well-informed background and key organisations such as the Home
Builders Federation interpreting the same document so fundamentally differently, that tells you that there is something wrong with the drafting. In our response to CLG, we have identified an enormous number of places where there is ambiguity, which needs to be clarified. The Government need to be clear what they want on the tin, and the contents of the tin need to match the outside.

One of the other issues is about rhetoric and reality, which Adrian has touched upon. A lot of local communities thought that localism was going to enable them to say no as well as yes, whereas the neighbourhood planning proposals in the Bill are about encouraging communities to be pro-growth and go beyond what is in the local plans. We need to be clear that the rhetoric matches what is in the document and that the document needs to be tightened up.

Q283 Mark Pawsey: I was asking whether the presumption in favour of sustainable development would lead to more development and more house building. I think that we got the views of the RTPI, but I was wondering whether we might have the views of other witnesses.

Nick Reeves: It absolutely will. There is almost a presumption here that the environment does not matter. Environmental concerns are almost secondary, yet as everyone knows it is one of the pillars of sustainable development. What we would like to see is a much clearer definition of sustainable development, with the environment taken much more seriously. Then again, it is not surprising that the environment—including climate change resilience, and associated problems such as flood risk—barely figures, because the environment professions had no hand whatever in drafting this document.

Q284 Mark Pawsey: To be clear, you think that the consequence is that the rate of economic growth will increase, and that there will be more house building as a consequence of the NPPF.

Nick Reeves: Yes, and in ways that will be wholly inappropriate.

Adrian Penfold: I think there will be eventually. I think it will take some time, because the NPPF will take time to work through, but there are policy changes in here. I have already stressed what I think is the importance of the requirement objectively to assess need, and then to meet that need if possible. That is an important move. If the five years plus 20% goes through as well, it will presumably make the five-year land supply a more viable and more achievable land supply, because you would have that 20% contingency to replace sites that fell out of the five years’ supply. I do not think that is to do with the presumption in favour of sustainable development. A lot of people seem to interpret that to mean that all you have to do is argue that your development is sustainable, and then there is a presumption in favour of it. That is not the way I read it. The presumption in favour of the local plan remains, and that is at the heart of the document.

Q285 Mark Pawsey: Absolutely. Do you agree that that will provide a real incentive for local authorities to get their local plan in place, and that perhaps planning departments have spent too much time on development control and not enough time on plan making? Will that provide an incentive for local authorities to get the plans in place? Otherwise, it will all fall back on the definition of sustainable development.

Adrian Penfold: I think it will, although actually, otherwise it falls back on the whole NPPF. That is how you test, if there is not a local plan in place, or if it is silent or indeterminate, or whatever the wording might be. You still have the NPPF to fall back on, but I think this will give local authorities an incentive. The other thing I think will give local authorities an incentive to get their local plan in place is the community infrastructure levy, because if they have not got a local plan in place, they will not be able to develop a tariff, and charge for development on the basis of that tariff. There are other incentives, but this is a key one.

Q286 Mark Pawsey: Mr Reeves, do you not think that the incentive to get the local plan in place will deal with your anxieties about the presumption in favour of sustainable development?

Nick Reeves: I certainly hope so, but forgive me if I am slightly sceptical, and even cynical. This document is anti-environment, and my institution is very concerned about that. We are looking for a proper discussion that involves the environment professions to get a proper definition of sustainable development. Let us have something in the framework for example about climate change resilience, and a really clear vision of where planning will take us in the future.

Q287 Mark Pawsey: Would you have preferred it if the Government had done nothing?

Nick Reeves: No. We absolutely agree that a review of the planning regime is necessary, but the framework as drafted is a lost opportunity and has no clear vision for how our cities, towns and villages will be developed.

Q288 Chair: I have a point for Adrian Penfold. We talked about the importance of proper needs assessments being done. Do you think there is a need for guidance from the Government to get some consistency about those assessments, from the developers’ point of view, so that when the duty to co-operate kicks in, the authority that is trying to co-operate does so on the same needs assessment basis?

Adrian Penfold: I do, and I have said so in my written evidence. I think that is one of the most important areas where the Government will need to provide guidance.

Trudi Elliott: We absolutely agree. We have done a discussion paper about how we could, on a sector-wide basis, go about identifying those areas that are so critical that we need guidance so that we do not keep having “Groundhog Day” debates and arguments about how you assess need and so on. There is quite a lot of work going on about that at the moment, because it is critical.

Richard Summers: If I may add to that, it is interesting that the strategic housing land assessments
that we have been used to were mentioned in the NPPF and other documents, but the employment land reviews, which were estimating the requirements for business development, have slipped through the net of condensing planning policy statements into the NPPF. That is one of the examples of where things have got missed out. We could find ourselves wanting quite quickly. There needs to be a proper basis for assessing requirements for housing land and employment land.

**Q289 Bob Blackman:** Moving on to the interaction between the NPPF plan and local plans, what do you think the risks are, given that according to evidence, 70% of local authority plans are either out of date or non-existent? What are the risks that the local authorities involved will diverge quite considerably, and will have quite different sorts of local plans and therefore different standards, and will then implement quite stringent standards that might be very different in different parts of the country? What are the risks involved in that?

**Richard Summers:** Chairman, it is an essential element of planning that you plan according to the needs and circumstances of each particular area. What we have here in the NPPF is, if you like, a national steer on the way to do planning and the importance of sustainable development—all the things that we have been talking about—but also the freedom and flexibility for local authorities to plan according to the requirements of their local area and, indeed—thinking of the Localism Bill—according to the aspirations of local communities.

**Adrian Penfold:** I think that it is a risk—a risk that accompanies localism. Personally, I think it is a risk worth taking, because there is too much centralisation in planning and more localism is a good thing, basically. I read one of the other submissions, which said that there is a risk that local authorities will replace those 1,300 pages in their own local plan. Some may; others will not. Others will take a more sensible approach. As I say, I think that is a risk that one has to take and hope that it turns out sensibly.

**Nick Reeves:** I agree with my two colleagues. I think that is absolutely right. It is a risk worth taking.

**Trudi Elliott:** If I gave that impression, that was unintended. What I was talking about is local plans. If you look at our recent engagement with Planning Aid, since June, we have had: 2,000 inquiries on our advice line; 54,000 hits on our website; increasing demand for outreach planning, plan-making support and so on; 860 people on training and capacity building in planning; and 2,112 people on outreach plan-making support. If anyone is engaged with neighbourhoods and community-led planning, it is us. We have had concerns about provisions in the Localism Bill that are very complicated for local communities.

**Q293 Heather Wheeler:** However, what you have just put on the record is this groundswell of the public getting involved, so there seems to be an absolute opportunity for the public, with their local plans, to get involved with the neighbourhood plan. That means that the NPPF will work, which does not seem to be the great said thing.

**Trudi Elliott:** There are two or three separate issues there. What you need for a good planning system to work is a clear NPPF without ambiguities, which sets out the national priorities, and an up-to-date local plan, which sets out the local aspirations and priorities, both of them with a bit of vision. That is the context in which neighbourhoods can do their planning. If you don’t engage with the NPPF, which is unclear and ambiguous, then you get is dispute, legal
challenge, etc., and a lack of clarity for neighbourhoods. The provisions for neighbourhood planning are in the Localism Bill, in the main.

**Nick Reeves**: Community-led planning will be successful and only work if local communities have access to extremely good guidance, which this framework does not provide. This framework, as my colleague has said, is full of ambiguities. People need clear guidance, certainty and a very strong vision—that is what local communities will want to see and what they will need for successful planning outcomes incorporating strong environmental stewardship.

**Richard Summers**: To answer Heather Wheeler’s question, there is both a need and an opportunity here. The opportunity is to make neighbourhood planning work. The need is to provide local communities with the supports and encouragement that they are going to need, because they will be seriously short of resources, such as human resources, experience of how to do a plan with a community—it is a complicated business—and financial resources to support what they are doing. Planning Aid provides voluntary support to help individuals and communities who are disadvantaged and cannot afford the services of a planning consultant. There is a big need out there, and a shortage of resources to meet it.

**Q294 George Hollingbery**: To pick one part in particular, I have met all my parish councillors over the past two weeks and one question they keep coming up with is: can you do a neighbourhood plan lite—six things that you want to do, but not the rest?

**Trudi Elliott**: Yes. Actually, if you go on our website, we have a very nice paper on all the things you can do in a neighbourhood now, under the existing planning system, and some of those are very light. We are at the moment translating those into very community-friendly fact sheets. The provisions in the Localism Bill—the new arrangements for a full-blown neighbourhood plan—are neighbourhood planning heavy, really, and are quite complicated. They will have added weight.

**Q295 George Hollingbery**: That will be a material consideration.

**Trudi Elliott**: But there are all sorts of ways, if you get a community engaged and want to do some things in their place. I think we got to about 20 different planning tools that communities can use to help them shape their community, from village appraisals and vision statements—

**Q296 George Hollingbery**: Which a lot of my parishes have. I do not want to prolong this, but can you do a neighbourhood plan lite? You do not know.

**Trudi Elliott**: Do you mean a neighbourhood plan in the form proposed by the Localism Bill?

**Q297 George Hollingbery**: Say that there are six things that you care about in a community, and there are 250 of you in a parish. You want to do the vernacular and the spacing of the high street—that is all you want to do. You do not care about the rest.

**Trudi Elliott**: Oh yes. At the moment the vanguards are going through, and you do not have to do everything in your neighbourhood plan. You can focus on some things, and we are hoping from the vanguards that we will see which work and which do not.

**Chair**: I am sorry, but time is pressing because we had the Division. Colleagues, could you ask your questions briefly? If one person answers and everyone else agrees, we will get on.

**Q298 Mark Pawsey**: I want to come on to brownfield sites. We recognise that land of less value should be developed first. Do you think that the provisions with regard to brownfield land are strong enough? Should the Government be more prescriptive than they are in the NPPF?

**Adrian Penfold**: If I can take that first, I think they ought to be strengthened and there ought to be a reference to previously developed land. The phrase, ‘land of lower environmental value’ has confused people, and it needs to be clarified. I do not think, however, that that ought to be translated into a sequential test. There are localities where going for a brownfield site, which may well be an airfield site or factory site, well outside the town—three, four or five miles outside—may not be as sustainable a solution as an edge extension, or an extension to the edge of the town, which may be on a greenfield site. Those decisions ought to be taken locally, but within a context where the NPPF is saying that the preferred solution is brownfield.

**Q299 Mark Pawsey**: So you are pretty happy with what the NPPF says, are you not?

**Adrian Penfold**: I would strengthen it by including a reference to previously developed land, because I think it has confused people.

**Q300 Mark Pawsey**: What do others think?

**Nick Reeves**: Brownfield and town centre first, absolutely.

**Q301 Mark Pawsey**: So stronger than in the NPPF.

**Nick Reeves**: Absolutely. I think there is a risk of unintended consequences with the proposed wording, because it could allow development on any bit of scruffy land, including a horse pasture and green belt, if it were taken to its extreme. That is an example of the need to tighten up the wording. “Brownfield land” or “previously developed land” is tried and tested and has worked effectively in the past. There are risks involved in taking this new definition.

**Q302 Bob Blackman**: Very briefly, what do you think the impact will be of the requirement for an additional 20% of land to be held above the five-year housing target, and equally, can you answer at the same time whether you think windfall sites that were not expected and predicted in the plan should be included?

**Richard Summers**: It is a strange formulation in my view. First of all, if you add 20% of housing land supply—I do not think the terms in the NPPF are clear by any means—immediately you put the squeeze on authorities whose urban edge is up tight against the green belt, an area of outstanding natural beauty, or
an area of countryside that is valued for environmental forestry or agricultural purposes. It also puts a squeeze on the question of updating a plan, because it will take time to go through the land search, the public consultation and all the rest of it to bring the local plan up to date.

Your other question was about windfall sites. We know that windfall sites crop up from time to time. By their very nature, they are not predictable one by one, but in most areas there is a trend that you get a certain proportion of windfall sites cropping up from time to time, and I think it is strange to take that out of the mix.

Adrian Penfold: I think it is the most difficult issue to deal with in terms of transition, and I would allow a period of time for local authorities to adjust to that.

Chair: Thank you very much indeed for coming to give evidence. We appreciate it and we are sorry for the interruption, but unavoidable things happen.

Examination of Witness

Witness: The Right Hon Greg Clark MP, Minister of State for Decentralisation and Cities, gave evidence.

Q303 Chair: Good afternoon, Minister. Thank you very much for joining us. Some of us have been seeing each other quite regularly on this matter over the last few weeks, but it is nice to have you here, particularly as you invited the Committee to take evidence and hold our inquiry into this matter some time ago as part of the process of consultation.

Greg Clark: Can I just say something on that? I want to thank you and the Committee for the time that you have devoted to this. I know that you are quite an active Committee—if I can put it that way—and you report on lots of things. I know that you have fitted this into your schedule and that asking you to make suggestions as part of the process is quite an unusual thing to ask, but I am grateful to you for devoting the time to it.

Q304 Chair: Can we just try and find out from you what the intention with the reform was? We had evidence from the RTPI just before you came in, and they said that there ought to be a narrative trying to explain what was simplification, what was a change of policy and what was an attempt to get growth, and all those things are sort of mixed up in the explanation as to why the change is going to happen. Looking historically, it almost seemed as though the Government were committed localists—I am not saying that you aren’t still, but you were—and then suddenly there was the chance to produce this plan for growth, in which planning became an important part, and the dynamics seem to have changed and the NPPF came out of that approach.

Greg Clark: Well, it was always part of the plan, if you like. There was always the Localism Bill. Do we have any veterans of that Committee? Having finished—[Interruption] No, George was not on it. Having finished its House of Commons stages, they are probably all having a well-deserved rest. But that was always part of it. Then there was always a commitment to introduce a national planning policy framework to bring together the existing planning documents. The two are linked, and let me say why.

I do not necessarily think you need that period of time on some of the other policy changes. The Government frequently introduce policy changes in PPSs without a period of transition, so I think this needs to be looked at on a granular basis—the whole concept of transition.

Nick Reeves: I would like a better understanding of the 20% figure and its provenance. It seems pretty meaningless to me. Developments should be demand-led, subject to all sorts of conditions, including environmental tests and so on, so I think the 20% reference is completely unhelpful.

Chair: Thank you all very much indeed for coming to give evidence. We appreciate it and we are sorry for the interruption, but unavoidable things happen.

Q305 Chair: I am sure we will come on to some more details in a minute, but it seems to me that there is this issue of trying to square the circle of getting more growth—we will come on to that particular issue—but also local communities having the decisions that they want about planning in their areas. The presumption is that the two will actually be the same.

I was in the debate in the Chamber for part of the time the other day, and I will describe Members from your side of the Chamber standing up almost one after the other, saying that, of course, they supported your
changes and the NPPF. They are Government Members of Parliament, so they will naturally support the Government.

**Greg Clark:** Doesn’t always happen, Chairman.

**Chair:** Yes, we’re not on Europe now. They then went on, one after the other, to say that this new system would of course mean that they could stop this development here and that development there and this unwarranted development that the regional spatial strategy is enforcing there. Is that not a problem in the NPPF delivering all this new localism as well as growth in house building?

**Greg Clark:** I think some of your witnesses have touched on this. I think these debates are often not going to be without difficulty, but they should be decided locally. They should not be decided by the inspectorate, who are very professional people and part of my responsibility, but there is a sense that if a case—as some cases are—is chased up the appeals system to the inspectorate, you have missed the chance for that to be locally owned. That is not to say—we are all constituency MPs; we know how it is—that there will not be strong views expressed, but I would think that those views are expressed locally and worked out locally, and that locally elected politicians are accountable for the decisions that are taken there.

**Q306 Chair:** That presumes that you expect fewer appeals to come out of the system than before.

**Greg Clark:** Yes, we want decisions to be taken locally. The key feature of both sets of reforms—the Localism Bill and the simplification of the procedure—is to advantage the local planning to make it clearer that decisions are taken in line with the local plan rather than by regional strategies, vast amounts of national policy, or through both of those by the inspectorate. That is our objective.

**Q307 Simon Danczuk:** The impact assessment for the NPPF says that existing planning policies are a brake on growth. What evidence is there for that?

**Greg Clark:** Again, I know that this has been an issue of contention. Let me bring some of the evidence here. First, to take some of the formal studies done before we put out the consultation on the NPPF, I ought to say, and perhaps should have said at the beginning, that obviously since the consultation has closed and we have not responded to it—and indeed your inquiry is to advise us—what I do not want to do is to start agreeing with a particular submission and dismissing another. I think that that would be very unfair to people who have taken time to make submissions, but let me talk a bit about some of the studies that we have inherited, as it were.

The Committee will be familiar with the Killian Pretty review, which looked into the planning system. It was commissioned by the previous Government and published, I think, in 2009. Killian Pretty reflected a consensus of the various stakeholders in planning who were talking to them, including, I dare say, our colleagues behind. It stated, “equally, a consensus soon became clear that, despite considerable improvements, the process”—the planning process—“was not working well enough. Planning decisions still take longer in the UK than in other countries with which we compete internationally.” The source of that is the World Bank. So that is one example. Another example, to take a less international comparison, is the Taylor report. Lord Taylor was commissioned to do a report on the prosperity of the countryside, again by the previous Prime Minister. Again, as far I understand it, a fairly consensual document was produced. In terms of the local aspects of this, it says, “The supply of…homes, both market and affordable…in rural communities has been restricted by the planning system.” In another part, it states, “Blockages within the planning system are currently hampering economic growth.”

So we have inherited a number of studies that are not this Government’s studies. They are part of the acquis, if I may use a dangerously European community word. There has been a reflection that things could be better, if you take some of the evidence to the consultation on the NPPF from different groups of people. In front of me, I have the submission from the homeless charities Shelter, Crisis, Homeless Link, the National Housing Federation, which represents social housing providers, and the National Housing Federation. They say that, “Reducing the quantity of policy will help simplify the planning system…will remove a significant barrier to much needed development.” That is from the social housing providers and the homelessness charities.

From business, the CBI has said that, “the pace of the planning process needs to be improved dramatically if the UK is to compete internationally.” The Federation of Small Businesses says that “the application process is still far too costly and complex” for small businesses. The National Farmers Union says that, “At present, the weight of conflicting policy advice and the dearth of planning policy at local level do not lead to swift or effective decision-making.” So there is a large body of evidence that causes us reasonably to think that it is time to review this. Actually, if you look at the submissions that have been made to your Committee, and indeed to me, I think there is a fair degree of consensus that it is desirable to slim down the body of guidance. A lot of the submissions have had track changes made to them, and—I should not say all, because I have not finished going through them—the ones that I have seen are suggesting a simpler approach. It seems that we are in territory where we agree that it is helpful—I would put it no more than that—to simplify things.

**Q308 Simon Danczuk:** In terms of delays, the DCLG’s own statistics show that 99% of planning applications are decided within a year, and that 85% of decisions are in favour of the application anyway. Why is there a need to introduce a default yes into the system, which is what the NPPF does?

**Greg Clark:** I do not think it does that, but I will come back to that point. On the delays, as Members of Parliament and former local council members you will know that it often is the time taken to get to the point at which an application is submitted. Again, in terms of evidence, the LSE has said, “Approval rates tell us nothing about whether planning holds back development because the rules affect both the
submissions and approval rates,” so that is understood. As far as the default yes goes, the principal default is in favour of the local plan and it is very important that we took a decision there. When the Localism Bill was going through, there was the opportunity to change the basis of planning law, section 38(6) of the 2004 Act, and we didn’t do that. It follows from everything that I have said so far that the most important basis for a decision is the local plan. I want to see more planning. We have too little planning and too much development control.

Q309 Simon Danczuk: You referred to evidence earlier and your concerns about the planning process. One of the big points that has been made by the Government is that planning delays cost an estimated £3 billion a year. That is what it said in the “Plan for Growth” which was published in March. In September, the Secretary of State for the DCLG and the Chancellor wrote in The Financial Times, “Planning delays cost the economy £3 billion a year.” Now that we have had evidence from RTPI, can we agree that that figure is complete fiction? It is referenced to the Reading university report, which refers back to the Barker report, which refers to a CBI study in 1992. There is no basis for this £3 billion figure. It has been quoted not just in the two instances that I gave, but often. It has also been quoted by Ministers in the House. Is that right?

Greg Clark: It is the first line of a conclusion reached by the distinguished academic, Professor Michael Ball. You might want to take evidence from him in writing. I don’t think that it is for me to criticise his citation of the estimate.

Q310 Simon Danczuk: Yes, I am just providing you with an opportunity to accept the fact that the figure has no basis whatever. I have in front of me a letter from the Treasury in response to the chief executive of RTPI. It is a Freedom of Information Act request about the figure for planning delays. The Treasury says, “We have no information that justifies that figure being used.”

Greg Clark: That figure comes from Professor Ball. It follows from what I have said and I hope that there is common ground. There are things that can be improved about the planning system. That is cited in a number of pieces of evidence. A number of suggestions have been made about that, and that is an independent academic’s figure. It seems reasonable to refer to it.

Q311 Simon Danczuk: Just to reiterate the point that it is based on a figure from 1992. The vast majority of the NPPF and the justification for it was to try to improve economic growth. The figure that kept being used is the one that I have described, but the evidence around it is flawed.

Greg Clark: I don’t accept that.

Q312 Simon Danczuk: Fair enough. In terms of housing growth, there is already plenty of available land, which has been allocated for housing. Why will the NPPF lead to more houses being built? Is it not the lack of finance that is stopping housing from being built?

Greg Clark: Sure. Certainly at the moment, the lack of finance, as you will know from your inquiries into other matters is clearly a significant factor. I see these reforms—the Localism Bill and the NPPF—as fundamental reforms for the long term. If you take time to study the system and if you take my view—which I do not think is a particularly partisan view—that things have become more centralised than is ideal, and you observe that if you involve people earlier and more significantly in the process that the process works better, and if you have the chances we have because we have come into Government, you make a choice. You can either tinker around with the system cosmetically, or you can try to make it oriented more in the direction that we want, the outcome of which will be to put communities in charge.

As I say, I think that one of the virtues of that change is that people can have much greater confidence in the planning system and what happens in their communities. Take design, for example. One of the reasons why people, quite rightly, oppose development in their areas is that they have no confidence that they will be able to insist on high standards of design. That is a part of the planning system that, if you strengthen it and allow communities to insist on high standards of design, you can give people greater confidence in what comes out. And that, over the longer term, provides for a system that I think we can all have more confidence in.

Q313 Simon Danczuk: In which year do you think we will see benefits from the NPPF, in terms of economic growth and housing growth? When will we see the benefits?

Greg Clark: As you said at the beginning of your questions, Simon, there are different factors that cause the level of economic activity at any one point. We have endless debates on this subject at the moment; I think that we are having a debate in the main Chamber at the moment on unemployment. So it would be completely wrong to pretend that the changes to the planning system are going to be the single panacea to the challenges that we face on growth. Indeed, as I have said, those changes are for the medium and the long term, so I think that it is unreasonable to expect me to give a date. But I think that the system has become sclerotic, to put it that way, and this is an attempt to put communities back in charge, so that they take decisions rather than have decisions being imposed on them.

Q314 Chair: Before we move on, with hindsight do you think that it was perhaps a mistake to talk about the reforms not as an attempt to improve the way that the planning system operates but almost to demonise the whole of the planning system? When the Chancellor says things like, “Our planning system is the most expensive in the world and the delays are the longest in the world” and then the Treasury literally cannot find a single document in its vast quantity of archives to justify what he said, it is more like a throw-away line—a soundbite—than a serious analysis of a very important issue.
Greg Clark: In terms of the evidence, I have cited evidence from the Killian Pretty review that references the World Bank and Professor Ball’s study.

Q315 Chair: It is amazing that the Treasury has not got any of this, then.

Greg Clark: I have not seen their researchers on this subject. In terms of the planning system and “demonising” the planning system, be in no doubt that I am a fan of planning. I want to see more planning, rather than less planning. I think that one of the problems that I have described is that we have too little planning by communities for communities. We have too few local plans—local development frameworks—adopted across the country and too much planning by appeal.

When I gave evidence to the RTPI convention earlier in the year, I said that I thought that planning was a hugely important profession, indeed a vocation—and not just because Trudi and Richard were there. I hope that we are all engaged in making suggestions about how to make this NPPF the best that it can possibly be. The decisions that are taken by the planning system shape lives way beyond this Parliament and the next; they are for future generations. Planning is one of the most important professions and one of the most important areas of policy, which is why I am pleased to have responsibility for it and why I am pleased that you are looking into it.

Q316 Bob Blackman: One of the consequences of reducing more than 1,000 pages of guidance to a more strategic document is, of course, that definitions of words and phrases can sometimes mean different things to different people. Let us concentrate on “sustainable development”, the definition of which I think has moved on from that in the original draft document and even in your view, in terms of how it would be defined in the future. We have been given evidence that it means different things to different people already. Do you accept that there is a need to change that definition and give it greater clarity in the revised document?

Greg Clark: Having said that I will look at all the responses to the consultation, given that some of these have said that we should not change the definition, it would be premature for me to say, “Yes, we definitely should change it,” but let me answer as best I can. On the overarching analysis that you make in terms of looking at expressions and words to see whether they are acutely enough expressed policy intent, that is why we have a consultation. I know that everyone has a consultation and that there is a degree of weariness or worse on the part of some people about them. A member of the Localism Bill Committee has just joined us, and anyone who has followed that Bill Committee through will see that I believe in improving things and taking advice from people who are well motivated and have sensible things to contribute. That is absolutely my intention with this, which is why I wrote to the Committee and why we are going to take it seriously.

As a thought experiment, imagine this Committee, well informed and advised as it, being given the task of taking the current planning policy of more than 1,000 pages and making the best possible attempt to distil and simplify it. Would you have something that needed no tweaks at all at the end of that? I suspect not. I think that you would want to put it out to consultation to make sure that your intentions were properly captured, and you would take evidence from experts to ensure that that was the case. So, that’s where we are on that.

Specifically on the question of the definition of sustainable development, as some members of this Committee know, I have always counted myself as an environmentalist. When I was a Back-Bench MP, the Bill Committees on which I served were environmental in their nature and I had the shadow climate change brief in opposition. I want us to be absolutely ambitious in this, and we have included the Brundtland definition, which has stood the test of time since 1987. It is a powerful definition. Some people have suggested that we should make reference to the 2005 sustainable development strategy definition. I said in the Chamber the other day that we will look constructively at that, and I have said that we have not repealed it—it is extant—and I know that some people favour that approach. The question is: is the 2005 definition, which is already six years old, the state of the art, or is there a virtue in thinking about sustainability? In some respects, this is my personal view rather than the Government’s view or an intended response to the consultation. I feel that thinking has moved beyond that and has become a bit more progressive. For example, there is the concept of the social, environmental and economic pillars of sustainable development that should be balanced against each other. The idea that you should, as it were, sort of license harm to the environment and be sort of paid off by something that you get on the economy, is not so consistent with what we have recently said. This Government have said in the natural environment White Paper that we are looking for a net gain for nature.

The reason that I have this big wedge of documents is that—

Bob Blackman: Greg, I hate to interrupt but I do not want to go through another hour—

Greg Clark: Can I just make this point, because I think it is worth making? I am in my flow on Brundtland. Brundtland, I think, has a lot to commend it. The fact that it was included in 1987 does not mean that it does not have more to offer. It says in paragraph 42: “Economics and ecology must be completely integrated in decision making and law making processes not just to protect the environment, but also...
to protect and promote development.” Then it goes on in various ways, and various commendations flow from that, on which I am reflecting in response to the consultation.

Q318 Bob Blackman: May I ask you about one other aspect: the interaction with local plans? If you make a strong case for sustainable development, what are the risks that local plans might dilute that? They might be either not so protective of the environment, or very protective and, therefore, stop development.

Greg Clark: That is why you have national policy. In an ultra-local world—which some people, including some of your witnesses, advocate—you do not have any of that. You say green belts and environmental protection are matters for local communities; it is up to you. There is an argument there: of course, local communities are going to want to do things in their collective interest. We did not take that view; we took the view that you should have national policy; you should have a framework in which decisions are taken. So, the protection the green belt affords should be there, frankly, whether the local council likes it or not. In the draft we have strengthened the requirement to refuse planning permission for mediocre design, whether the local council likes it or not. I dare say that some of the submissions that we have had would suggest that is too restrictive. We have tried to capture well what is in the national interest, what is larger than local and what should be properly in the interest of the communities.

Q319 Bob Blackman: Given the discussion about sustainable development—and I am sure there are other definitions of phrases in the strategic document—do you accept the principle that the strategy, the NPPF, should be there as a strategic document, but some of the definitions may need further explanation in appendices for people to read and refer to, particularly as this is going to be a quasi-judicial document?

Greg Clark: That is the question we look to the consultation to address: whether the choice to have the high-level classic definition of sustainability is enough, or whether we should, in the document, go beyond that, or whether we should refer to other policy documents.

There is a paragraph in PPS 1 that refers to the sustainable development strategy. That was out of date almost as soon as it was published, because the 1999 strategy was replaced by the 2005 one. There is a danger, if you do not have timeless definitions, that things become out of date. You might say that in the modern world, where everything is online, that it is possible to keep things up to date. I should not pre-empt it, but I have seen submissions from the consultation advising one way or the other. I would be interested and grateful for the Committee’s considered thoughts on this.

Q320 Mark Pawsey: I want to pick up on the presumption in favour of sustainable development. First, can I ask where the NPPF sits, or where you see it sitting? On the one hand, some people have described it as a plain English guide to planning policy; on the other, people are trying to interpret it as a precise technical document. The RTPI referred to it earlier today as a quasi-legal document. Will you clarify for us where you see the document sitting?

Greg Clark: The answer is that the most important document is the local plan. Decisions have to be taken with regard to that, legally under section 38(6) of the 2004 Act. The PPGs and PPSs—the guidance—are material considerations that can be brought in at the same time. It is important that the national policies to be taken into account are written in an intelligible way. It is, of course, also desirable that they should not be ambiguous, so the drafting challenge to be clear is to capture a language and a tone that is accessible and understandable, without having the legalistic language—given that it is not statute law—that can exclude. That is our challenge. A lot of the submissions that I have seen have commended the type of tone and drafting of it and, of course, have specific suggestions that I am all ears for.

Q321 Mark Pawsey: So we can expect to see some tidying up of language. Is it a quasi-legal document?

Greg Clark: I suppose that the emphasis is on the word “quasi”. Clearly, it will be referred to by decision makers and, since the planning application process is a quasi-legal process, it has its part to play in that. But it is not a statutory document in the same way as a piece of legislation.

Q322 Mark Pawsey: One of its objectives is to promote more development and more house building. You spoke earlier about the strengthening of environmental protections. Do you expect that there will be more development and more house building as a consequence of the implementation of the NPPF?

Greg Clark: I see it as part of a set of long-term reforms that change the planning system so that there is more reason for people to be welcoming of change for the better in their areas and that will, I hope, contribute to an improvement in the current situation, where, for reasons that I have given, both providers of social housing, other housing—

Q323 Mark Pawsey: But do you think that more development will take place as a consequence of the adoption of the NPPF than would have happened if it is not adopted?

Greg Clark: Yes, as part of the set of reforms of which the NPPF is one and the Localism Bill is another.

Q324 Mark Pawsey: Is the presumption in favour really a stick to drive local planning authorities to get their local plans in place? We hear that local authorities do not enjoy plan making, that they prefer development control. They are rather slow in getting their local plans forward. Is it there really just to incentivise them to get the plan in place?

Greg Clark: I do not regard it as a stick. A stick is a nasty thing that you don’t particularly want to be threatened with. It is clearly the most desirable thing to have a local plan in place. I hope that that is abundantly clear from the draft framework.
If you do not have a local plan in place, it is in everyone’s interest that you ought to have some clarity as to how decisions are going to be taken so you have a national set of policies that will determine applications. But they are not designed to be a stick in the sense of having adverse consequences. They are there to, in effect, replicate the kind of policies that a reasonable local council would themselves adopt.

Q325 Mark Pawsey: All right, but if “stick” is not the right word, do you think there is a much stronger incentive now for local authorities to get their local plans in place?

Greg Clark: Take the whole system, for many years only a minority of councils have adopted local plans. We would all agree that that is not in anyone’s interest. We want people to adopt local plans. I think that there are a number of contributory reasons—a bit like Simon’s point on house building—why people have not adopted plans, one of which is, if you have regional strategies and 1,000 pages of national policy, it is quite difficult simply to perform the exercise of producing a local plan. Secondly, if you are being obliged, as it were at sort of gun point, to put in policies that are in the regional strategy that you disagree with, a lot of our colleagues on councils are rather averse to putting up their hands and voting for something, the contents of which they disagree with. There are various changes that we are making, including a simplification policy through the NPPF, that will make it easier and possible to have a local plan. I hope that people will respond in that way, and will want to be in charge more locally.

Q326 Mark Pawsey: To allay the fears of people who are concerned about the presumption in favour of sustainable development, will the local plan always take precedence over this presumption?

Greg Clark: Yes, it is clear that in law decisions have to be made in accordance with the local plan, unless other material considerations apply. The key document is the local plan.

Q327 David Heyes: Does not the retention now rest with the other phrase that we keep examining—“significantly and demonstrably”—about the tilt being too far in favour of the economic rather than the other aspects of sustainable development?

Greg Clark: I would appreciate the Committee’s considered view on this. I do not want to defend the existing draft and say that we will not contemplate any changes, but let me explain why the term “significantly and demonstrably” has been used.

There are two separate words. In terms of “Significantly”, it seems to me that if you want to avoid a very legalistic comparison, “Is the balance on a particular issue one gram one way, or one the other?” the idea that things should be significant enough to be noticed is reasonable. “Demonstrably” basically implies that you should not just assert something; you should be able to demonstrate it and you should have evidence for it.

Some people have said that those words are pretty well understood, certainly in legal circles, but possibly not in lay circles. There have been some suggestions for other forms of words. The policy intent behind it is to suggest that people provide evidence—we are not getting into counting angels on pinheads.

Q328 David Heyes: The document says: “Local planning authorities should avoid unnecessary conditions or obligations, particularly when this would undermine the viability of development proposals.” Can you not see a danger that local authorities will finish up having to approve environmentally or socially harmful applications because they cannot impose improvements that would make them commercially unviable?

Greg Clark: That is certainly not the intention. They specifically, in my view, should not approve developments that would be significantly environmentally damaging. That is not the intention at all.

Q329 David Heyes: For example, would a local authority be able to argue that a development is unviable if they could not find the means to provide the necessary infrastructure to deal with the infrastructure demands that would come with the application?

Greg Clark: That would be one of the aspects of sustainability that would come in to play.

Q330 Chair: I know we had the previous evidence from Adrian Penfold, who said that these words, “significant and demonstrably,” ought to apply to the plan-making, because their developments should meet a very high test before authorities would not seek to meet the needs of their communities, but it should be a different and lower test for an individual planning application. There was a difference in that approach.

Greg Clark: I did not hear him say that. I hope you will reflect on it and give your response. I think Mr Penfold has also submitted evidence in his own right.

Q331 Bob Blackman: Looking at local plans in particular, one of the things we have heard in the evidence is this concern: what is the point of having a local plan if it cannot restrict development, if that is what local people want? Isn’t there a risk that local plans will not be able to restrict the type and scale of development to those that local people may want to see?

Greg Clark: With power comes responsibility. We are transferring the power to decide these things from regional strategies and national Government; we are giving local councils the power to make these decisions. I think it has to be in the framework of responsibility. It goes back to our previous exchange. If there is, as there manifestly is, a need for housing across the country to meet the needs of future generations and a need for land to accommodate businesses that we hope will create jobs, there has to be a responsibility for councils to plan for that. I said that I believe in planning—I think we have too little planning—and that is what planning is about. It is about looking into the future—literally planning—anticipating what is needed and making sure that you can provide it in the best way, in the right places, with the right connections and infrastructure, and with the
right accommodating services. Part of the test of whether a plan is a real plan is that it is engaging with the future and providing for that. My contention is to give that responsibility to councils and say, “No one is going to tell you what the answer should be from on high. If you do it responsibly and properly, that is your decision”, and over time people will see that as a better way to proceed.

Q332 Bob Blackman: We are told that 70% of local plans will either be out of date or not in place as a result of the changes that are taking place, so that will mean a lot of local authorities having to go through a process of either updating or developing a local plan in the first place. Do you not accept that there is a risk associated with this, and that people will say, “We must plan safe. We must not worry about the growth aspects, but control our local environment because you have removed the national protection”?

Greg Clark: I don’t, Bob. It goes back to the earlier conversation: most places will have policies in place. They may not be up-to-date LDFs, but they will have saved policies, and applications should be determined in light of that. However, it does raise the point about transitional arrangements, an issue that I expect you to give your view on. We always intended there to be transitional arrangements. Some people have suggested what types of transitional arrangements they should be, so there can be complete confidence in them.

Q333 Bob Blackman: May I take you on to neighbourhood plans and how they interact? Obviously, one of the concerns is that a neighbourhood plan will look at the clear neighbourhood where people live. People will be saying, “Hang on, we have a national framework with a local plan, and now we have a neighbourhood plan, and this is what really affects us.” This is really where it comes down to the potential for nimbyism. Do you accept that?

Greg Clark: No, I don’t, Bob. We considered this very carefully in the Localism Bill Committee. It conforms to what we said before: what if you were not planning for the future? The requirement that we put for the test of a neighbourhood plan was that it had to be consistent with the strategic priorities of the local plan. For example, if a road was planned across a county, the idea that a neighbourhood would decide to build three cottages right in its path to thwart it clearly would not respect the responsibilities for the larger-than-local aspect of it. There is that test. Going back to what we said, some people would no doubt say, “Well, this is not ultra-localist; it is an imposition that the local council gets to rule out such a decision.” but it is a reasonable thing to say.

Q334 Bob Blackman: But do you not accept that people would suddenly say, “All we can do now is add to things to make things grow quicker, rather than putting things in place to restrict them in the neighbourhood plans”?

Greg Clark: It is wrong to see it in binary terms—as growing or restricting. A lot of what people yearn to be able to do in the planning system is to have the right type of development in the right places, looking as if it has some relationship to what is there already. It is the chance to involve people right from the beginning. That is not just our experience in the UK, although there are plenty of examples where there is great enthusiasm for people to shape the development of their places. Let us look at the Dutch system, for example. They have a place for very local participation right from the beginning, and that makes for a better system. Most people live where they live because they choose to be there; mostly, they are not forced to be there. They love being there, and they want it to be better, not worse.

Q335 Bob Blackman: But a lot of people who choose to live in those places do not want to see change. They do not want to see any growth take place. They are very happy to look out on to open fields. They may see a risk associated with this—a risk that suddenly it will all be taken away from them.

Greg Clark: There is the larger-than-local aspect of it. Democratic councils are elected at the local level, so it is not as if it is being imposed by unelected people. If you take Lord Taylor’s report on the rural economy, it is often the case that villagers will quite reasonably object to a major extension that is built in a uniform, rather alien style, where there is not much investment in infrastructure, but they will be given the chance to participate in, perhaps, the provision of new housing for people who would otherwise have to leave the village. In terms of employment land, for example, rural business hubs are something that the Taylor report recommended, and the previous Government accepted that they were desirable. They provided jobs for people in rural communities that do not involve their having a rather less sustainable commute into the big city. There is recognition that they can help the life of villagers and the rural communities.

Q336 Chair: You said, Minister, that there should be more planning at the local level, and that local plans are more important. One of the fundamental problems at present is the length of time it takes to get local plans in place. Indeed, the 2004 Act came into place because the development plans were taking so long to get in place. If we have more planning at local level, will it not take even longer to get the local plans in place?

Greg Clark: No. There are a few reasons why it has taken far longer than my predecessors in the previous Government intended for LDFs to be in place. If you have a system that has become very complex and verbose, there is more to conform to; there is more to translate and to apply. There is simply more of it around. The ability to get rid of the regional strategies, for example, is a big step forward. I have seen this around the country. Lots of policies are contained in plans that are put to examination and then need to be adopted by local councils. That can put people into a Catch-22 situation: the plan will not be adopted if they do not put the policies in, but they really do not like the policies and would rather they were not adopted. That does put council chambers into a quandary. Do you put your hand up and vote for a number that is alien to your honestly derived
assessment of housing need, for example? Lots of people in the community do not understand the pressures and the process, and will simply be mystified as to why their local council has adopted what they see as a very anti-local plan, and they will be resistant to that. We are contributing to making it easier to adopt plans more quickly.

Q337 James Morris: May I come back to the tension in the NPPF between the quasi-legal function that it will have and its brevity? Intuitively, having a simplified series of guidelines makes a lot of sense, but we have heard evidence that, because of its quasi-legal nature, it will be subject to all kinds of challenges and will potentially slow up the process. Is the brevity of the NPPF a deliberate strategy to allow a lot of interpretation of its broad parameters and a lot more discretion about how to interpret it, or is it something that you see as being a quasi-legal document with quite a rigid framework attached to it?

Greg Clark: That is a good question. There are a number of different aspects to it. I do not have a particular target in mind. There is no machismo in having it less than 55 pages or anything like that. When it comes to making track changes, I note that that some of the submissions that I have seen already—I have not read them all yet—have produced documents that are not massively longer than that. Whether things should be added or words should be changed is the point of the consultation, but I am not driving at a particular level.

However, it seems obvious that, if you want to simplify and make things accessible without having a target in mind, you want to condense, and we have tried to do that. As I said to one of your colleagues earlier, it is not designed to be at the expense of clarity. Any suggestions that you or other respondents have made that can better express the policy intent are, of course, welcome.

Q338 James Morris: Clearly, there are gaps, or organisations that are not referenced, in the NPPF. Would you be concerned if local plans were used as a vehicle for those groups to put their view over, even if it contradicted overarching NPPF guidance?

Greg Clark: I would like to see more local debate. We do not live in a uniform country; cities are different from villages, and they will want different policies. Through the neighbourhood planning process, my Department has funded a number of different independent organisations, including some of our critics—the CPRE has received funding—so that they can work with communities to develop policies that are appropriate for their local set of circumstances, so I am relaxed about local differences being expressed voluntarily.

Q339 James Morris: Is it a deliberate policy decision to leave some degree of ambiguity in the NPPF, so that the planning community be comfortable with that? It is like the debate about the definition of sustainable development. Should we not all be a bit more comfortable about having some ambiguity to allow a broader interpretation? I hope that is not too philosophical.

Greg Clark: It is quite philosophical, but appropriately so for this high-level discussion. One certainly does not aim for ambiguity, but there is something about the proposed approach that is meant to be more empowering. If I can put it this way, we are seeking a change in culture. Rather than planning being about a minute inspection of whether a policy in the local plan conforms precisely with policy H38 of the regional plan—ultimately, that would be decided by the Planning Inspectorate—it is meant to be more empowering. You therefore have principles— I would like them to be thought of as clear principles—that need to be reflected, but which empower communities to adopt policies that reflect their local needs, which may be different from those of a different type of authority in a different part of the country.

Q340 James Morris: This may be a slightly depressing question, but how often will the NPPF have to be updated?

Greg Clark: It is a good question, James. It is clearly impossible to know at this stage. My ambition is that this will be a timeless classic, and that your successors might be contemplating the first changes in 100 years’ time.

Chair: And the next Planning Minister.

Greg Clark: I am aware, however, that the world does not necessarily operate like that. That is why, during consideration of the Localism Bill in Committee, and indeed in the House, there was the question of how much you put in statute and how much you put in guidance. Clearly, one reason why you have guidance is that things do change from time to time, but this is an opportunity to set out a framework that is meant to endure, and one reason why I want you to spend serious time on it—you already have, but I am also thinking of your response—is so that we can try to make the NPPF as good as we can. There will then be no need constantly to revise it, or at least to do so very quickly.

Q341 Chair: On what are probably slightly lower-level points on the practicalities, it has been said to us that all this guidance—it may be burdensome at one level—can be quite helpful to authorities facing an application that they may not have come across before. If that guidance is not there, they will have to go somewhere else to get the advice they need. That is a general point. Is there any way, without having supplementary guidance or some such thing, we could still have some recognition of some of this valuable information, including the valuable case law that has been built up on planning over the years?

Greg Clark: First, the case law continues. The law is not being changed; this is strictly guidance. As you know—this goes back to James’s point—your predecessors have considered frequent changes to guidance over time, and that is not being rescinded. This is not year zero, in terms of the planning system; far from it. We have that wealth of experience behind us. We will come on to think about guidance next. There is guidance available, for example, on housing market assessments and things like that, and we will want to
consider that, but we must take one thing at a time. Let me outline the choices. One downside of Government guidance is that it becomes quasi-legal if it comes to a court case or an appeal. Even though it is meant, literally, to be guidance and quite a benign thing to help you out, it can be cited, and you can be accused of not having followed it; that happens not just in planning, but in every walk of life. One does not want to empower communities in one way and then disempower them by requiring them to follow other documents as if they were legal documents. However, implicit in that is my acceptance that, on various technical aspects, it is reasonable to give some guidance. I caught a bit of Trudi’s evidence earlier, and one suggestion that has been made is that we work with the professional bodies, for example, to promote guidance on the more technical aspects. We have not taken any decisions on that, but it is a helpful suggestion.

Q342 Chair: That is an interesting way forward, and we can probably give some consideration to it. On a specific issue relating to the removal of guidance, the Football Association has given us some evidence. It has been talking to Sport England, which it obviously works with. It has come back to me on this business of removing PPS17 on playing fields, which is a national issue. Sport England wants to continue to have a statutory responsibility on this issue, but its understanding—the Football Association is probably the world’s most effective association in this respect, because it tends to be football pitches that get developed—is that although the statutory consultee role remains, there will not be a requirement on local authorities to find a like-for-like replacement when a playing field is developed if there is no guidance. There is a worry that this is going to be a real problem. Is that something you are at least minded to think about?

Greg Clark: It made a helpful submission. Again, obviously I cannot pre-empt it, but it is not our policy intention to do anything to reduce the amount and availability of playing space—rather, the reverse. Frankly, if we have a growing population, we need more, rather than less. It made a very constructive set of suggestions, and we are considering them.

Q343 Simon Danczuk: The good news is that you are open to these things, and as you said earlier, you are contemplating changes to the draft document, so that is a good thing. One thing the draft looks at is “town centre first”, and the view is that it has been watered down in the draft. Are you minded to firm it back up again?

Greg Clark: I do not want to be discourteous to respondents, or to be in legal jeopardy, so I will not say what I am minded to do, but let me say again what my policy intention was in drafting this: it was not to depart from the “town centre first” policy, but to strengthen it. We doubled the length of time for the prospective impact on the town centre from five years to 10 years. It has been suggested that five years had a value as well, that looking at this over a longer time frame does not provide the strengthening that was intended, and that things can sort themselves out over 10 years, so you want to look at the earlier impact. We will reflect carefully on that.

The one change that has been made in the draft—I am very interested in responses to this, including yours—is on offices. Again, the thinking behind that, which I will share with you, is very much related to the Taylor report, which I quoted earlier. The rate of start-ups for businesses in rural areas actually outperforms that in the rest of the country. In a lot of rural areas, making use of disused agricultural buildings for business hubs, including small offices, has been quite successful in providing a place in which businesses can start up, and in terms of sustainability, if you live in a village and you can actually work there, rather than needing to commute somewhere else, that seems desirable. That was our intention in not requiring every new office development to be in the town centre.

What was not intended—it has been suggested that this may be a loophole—was to have massive out-of-town office developments that could detract from the town centre. Clearly, if you want a vibrant town centre, you want people working there as well as shopping and taking part in local pursuits there, so we are looking carefully at that, but I am absolutely clear that the policy intention is to strengthen “town centre first”.

Q344 Simon Danczuk: I get the impression that you are now contemplating quite a lot of change to the draft document. Has The Daily Telegraph won its campaign yet?

Greg Clark: As I said at the beginning, if you have followed the progress of the Localism Bill—the Committee has interviewed me on this before—you will know that I think it is a waste of everyone’s time if you ask reasonable, intelligent people to give advice, having decided in advance to ignore it all, so it was always my intention that we would take reasonable views on board. People can have their campaigns. Perhaps some people assumed a stony-faced demeanour that was never there in the first place.

Q345 Mark Pawsey: Another area of concern on which we have received evidence, and I know you’ve had many representations, is brownfield land and the substitution involving the term “land of lesser value”. Will you say a few words on where you see progress being made on that issue?

Greg Clark: That’s a very good point. Again, this is exactly why you put things out to consultation. Hon. Members who were here in the last Parliament will know that I had a private Member’s Bill to exclude gardens from brownfield sites. The inclusion of gardens was an example of an unintended consequence of a definition of brownfield land—previously developed land—that was not environmentally sensitive enough. It is obviously in everyone’s interest—it is in the national interest and certainly in the local interest—to make use first of derelict land, to bring that back into use. However, there is some land that is brownfield according to the definition—in other words, it has been literally previously developed—but over the years has come to
be quite ecologically valuable, not least in towns and cities, and often in currently industrial or ex-industrial towns and cities, so we chose to use the expression "land of least environmental value" to capture that. That was on the advice of a lot of environmental charities, Buglife, for example—I don’t know whether it has given evidence to you—has extolled the importance of ex-industrial land or formerly developed land in towns and cities.

However, there is a certain familiarity with the word "brownfield", which we’ve grown up to use. I think people who have done a computer search for the word "brownfield" and found that it’s not there have drawn too much of an inference that we don’t want to see derelict land being brought back into use. I am sure it’s possible, because I’ve seen submissions that make suggestions on how it can be done, to clarify that.

Q346 Mark Pawsey: In terms of brownfield first, will there be an accommodation for sites where the costs of remediation are such that it wouldn’t be economic to develop the land? That would permit what we would consider greenfield land to come forward, because it would not be sensible or economically viable to develop the brownfield land.

Greg Clark: Part of the plan—I had an exchange with Bob on this—is about being a real plan. If a particular site would cost £50 million to bring back into use and that money is simply not available because an Olympic stadium or a millennium dome isn’t about to be built there, you have to reflect that, but it is desirable that regeneration does, where it can, find sums of money to bring land such as that back into use. We don’t live in a world in which every single bit of derelict land can, tomorrow, simply be built on, so there has to be some sort of assessment of whether that can credibly be done.

Q347 George Hollingbery: The first thing I want to say is something we’ve never said from the beginning. The ministerial team and my hon. Friend the Member for Henley, John Howell, need some congratulations. There was a sclerotic planning system that needed learning and starting again. We can dispute endlessly what the right answer is, I am glad that we now have an opportunity to discuss it.

I am coming specifically to the five-year land supply with the target of 20% extra on top and the ability whether or not to assess windfall sites. Can you reflect quickly on whether you feel slightly uncomfortable that the second part of it—the 20% extra and the inability, which is not total inability, or difficulty of bringing windfall sites into your projections—is somewhat centrist rather than localist. Plenty of authorities have lots of evidence that windfall sites come forward on a regular and predictable basis.

Secondly, a lot of challenges to local plans, particularly right now, are going on around five-year land supply and deliverability. I have a local example where it is pretty plain to me that a large developer has held back a site deliberately so that the numbers were not being supplied through the local plan so he could then get another site approved, which of course he adds to his balance sheets—something that can be done in difficult times.

It makes me think about up-to-date information and presumption in the NPPF about out-of-date plans. Should we have a light-touch re-inspection? Should we get rid of the dissonance about a national body re-inspecting local plans and being the arbiters at appeal, and try to get inspectors into counties on a regular basis to reassess local plans on a light-touch basis, to get information up to date—so, a five-year land supply and re-inspection?

Greg Clark: Good points. First, George, thanks for what you said at the beginning.

Both the sixth year, as it might be better to call it, and the windfalls reflect what has been a theme of this discussion as to whether a plan is a real plan. There is no point having a document that is a fiction, that is not going to engage with the needs of the community in the future. What we know across the country is that land that is allocated for housing—or for economic development, for that matter—some of it drops out, for whatever reason. You might find that land was thought to be able to accommodate eight homes and, when it comes to it, six are built because there might have been a tree with a preservation order, or when the matter came before the committee, they preferred something slightly less dense. To go down from eight to six means that you have lost 25% of the available housing.

The suggestion in the draft was that you reflect that drop by having a buffer there so that you are not obliged to build any more homes than you actually do intend to build, but you have something there to recognise that not everything happens in the way that you thought—no more than that. It is about the number that you have but recognising that it’s not all going to be built. Some respondents to the consultation have said, “Well, this varies across the country. Some councils may have a very accurate record of being able to provide the land and build the commercial or the residential development they need, so should they not be able to have a more localist arrangement and be able to demonstrate that there is a reason to suppose that their projection is more accurate?” Again, that point been made, and given that I have set out the policy intent, we will reflect on that.

Similarly, windfalls are not currently to be included in the first period. There is a prospective tension between true planning. If the point of having a local plan is to be able to say where the new homes will be so that you can plan the infrastructure, make sure that they are in the right places, assess school places and so on, and if you were, in the very extreme case, to have a situation in which all your housing was going to come from windfalls, it would be quite difficult to be able to plan for that, so there is a tension there between the two. This is a bit like my answer to the earlier point, George. Some people have said, “Well, actually, in some authorities a consistent level of windfalls is produced and they are in very predictable places, so should there not be the ability to reflect that?” That seems to be a constructive suggestion, which we will reflect on.
On the up-to-dateness of plans and having a light-touch conversation, I suppose, with the inspectorate, I infer that people think things should not necessarily be as formal as a big evidence session every five years or whatever whenever a change is made. Let me take that away and discuss it with officials. It seems to me that, as we want to advantage plan making and want to keep local plans up to date once they are adopted, that is an interesting and reasonable suggestion.

Q348 Chair: You said that you recognise that a substantial change has been embarked on, whatever the final wording of the document is, so I think you are minded to consider at least some form of transitional arrangements to allow the new regime to be bedded in, to allow authorities to get used to it and to allow them to bring their plans up to date, which will be the important thing for authorities at present—to reflect the changes. You have indicated that it is an open consultation and that you want to listen. So, given the potential for significant adjustments to the wording of your document, would you consider—I have raised this before in the Chamber with you—the possibility of a further, short consultation on any significant changes that you make to the document to make sure that, in the end, we get this right? It is a long-term document, not just a short-term change, so it is important that we get it right.

Greg Clark: I am determined that we will get it right. I have had the advantage of seeing the responses to the consultation, which has been fantastic. We have had really considered responses, and I look forward to the Committee’s response. We know what people would like to see, and they have been very clear, even down to the wording in many cases. We have plenty to go on to be able to have a document that meets the ambitions that we all have, so we will not be holding another consultation, because I think we have enough feedback—enough to go on— with what we have at the moment.

Q349 Chair: So even if, when you produce your eventual final version, a number of respected practitioners, local councillors or whoever say, “Oh, you’ve changed that word, Minister, and we don’t know what it means; we think you have created an unintended consequence here,” you still would not have any opportunity to reflect and change at that stage?

Greg Clark: I am confident, Chairman, that the submissions are sufficiently clear. As part of any consultation, there is the opportunity to clarify with people who have made suggestions what, precisely, they meant by this word and whether that formulation captures it—the opportunity to clarify submissions that are made. I am confident that we will be able to do it.

Chair: Okay. Of course, we will wait to see whether that is the case ultimately. Thank you very much indeed for coming to give your evidence.

Greg Clark: And thank you again for all the time you have spent on this.
Written evidence from the British Chambers of Commerce

INTRODUCTION

1. The British Chambers of Commerce (BCC) welcomes the opportunity to respond to the Communities and Local Government Select Committee’s inquiry into the National Planning Policy Framework (NPPF). We would also welcome the opportunity to give oral evidence on this issue.

2. The BCC is an influential network of 53 Accredited Chambers across the UK. No other business organisation has the geographic spread or multi-size, multi-sector membership that characterises the Chamber Network. Every Chamber sits at the heart of its local business community, providing representation, services, information and guidance to member businesses and the wider local business community.

3. In summary, our position is the following:
   - Businesses of all sizes have long called for greater speed, clarity and certainty in the planning system. The results of a survey of over 5,000 of our members (conducted during the Summer of 2011) show that businesses view the current planning system as a barrier to growth;
   - We support the broad aim of the Government’s efforts to simplify national planning policy and guidance by establishing a single, clear and consistent framework;
   - This simplification, through the introduction of the proposed NPPF, will lead to greater consistency, speed and transparency around planning decisions—essential to re-building business confidence in the system;
   - The presumption in favour of sustainable development introduces greater clarity and certainty. It also has the effect of reinstating the original intention of the planning system that was set out in the 1947 Town and Country Planning Act;
   - The safeguards currently in place to prevent over-development, sprawl and environmental degradation would remain under the NPPF;
   - Proportionality and pragmatism are required in any debate on reform—rather than hyperbole and hysteria.

BUSINESS VIEW OF THE CURRENT PLANNING SYSTEM

4. Businesses recognise that the planning system has an important purpose in shaping our cities, towns and countryside. However, from a business perspective the system in its current form has developed into an overly complex, costly, uncertain and time-consuming process that discourages investment. Planning is regularly cited by our members as one of the key barriers to growth; this view is expressed to us by businesses of all sizes, throughout the country. Over the years we have heard of numerous examples of businesses that have looked to expand—and thereby creating growth and employment—but have had to abandon their plans because of the frustrations involved in going through the planning process.

5. In order to fully understand the difficulties businesses face we decided to conduct a major survey of business views of the planning system. The survey was carried out between the 12 July and 6 August 2011. In total we received 5,324 responses. The scale of the response indicates the level of business concern.

6. Initial results from the survey reveal that:
   - Seven in 10 (69pc) experienced applicants (who have been through the planning process on multiple occasions) believe planning decisions are taken on political grounds, rather than on the merits of the application itself;
   - Over half (54pc) believe that planning committees make decisions contrary to the advice of planning officers;
   - 73pc of applicants say they have not been approached by a local authority about their views or opinions on the planning process;
   - Among those businesses who have never applied for planning permission, more than one in 10 (11pc) had not done so because of cost, complexity, delays, and/or a belief that they would simply not be granted permission;
   - And most critically for the purposes of this inquiry, nearly three-quarters (72pc) of experienced applicants say that the planning advice they are given is inconsistent across local authority boundaries.

7. Alongside the survey we also asked businesses to express in their own words their view of the planning system. Some of the comments we received included:
   - “There are too many political decisions in the Planning process rather than those based on logic.”
   - “Planning committees are populated by NIMBYs who have no knowledge of the planning process.”
— “Planners lack any real business skills and are not qualified to judge business viability, and, this allows elected members to judge the scheme and they generally have their own political agenda.”

— “All too often it’s the vocal minority that get listened to and not the silent majority. You only have to look at the furore around renewable technology to see people don’t think any bigger than what affects them directly. They are all happy using electricity as long as the power station is in someone else’s back yard.”

— “Having negotiated approval relative to one issue, they came up with a new reason for rejection—which had not been mentioned before. This happened five times—over a two year period.”

8. The survey results suggest a loss of confidence in a system which is meant under the 1947 Act to determine positively where things should be built, rather than serve as a tool to block growth.

**Business View of the National Planning Policy Framework**

9. The existing suite of national policy statements and guidelines accumulated over a long period of time. They add up to a complex and often contradictory set of influences guiding development that are impenetrable to all but the most expert planning specialists. This makes applications more onerous because they must be in alignment with official planning policy and local plans where they exist; outcomes are less certain, and planning decisions less transparent, as a result. This complexity explains a key finding from our survey—that 71pc of Chamber members who put in an application now draw on paid-for external support during the process. So the claims made by some opponents of NPPF that the system is not too complex, and that planning fees are stable or falling, does not reflect the reality of the costs businesses face in this area. Specialist consultants, legal fees, and a range of other costs and charges have made the system extremely expensive—and all the more so if decisions go to appeal or judicial review.

10. When the Coalition Government came to power they pledged to reform the planning system, and, this pledge was broadly welcomed by the business community. For too many years problems with the system had not been adequately addressed.

11. There was much included in the Government’s early initiatives—such as measures in the Localism Bill and the Growth Review that was published alongside Budget 2011—that could lead to improvements in the system.

12. However, it was the pledge to replace over a thousand pages of national policy with simpler rules and to introduce a presumption in favour of sustainable development that had the greatest potential in creating a planning system that will enable, rather than hinder, economic growth.

13. Reducing complexity through establishing a simple, easy-to-understand national framework and clarifying objectives through a “presumption in favour” will reduce the complexity, begin to restore confidence in the system and increase the transparency around planning decisions. It should make planning applications less costly to make and give more certainty to outcomes. Taken together it is likely to speed up planning processes too.

14. When we consult our members on the NPPF they are strongly in favour of the proposals contained in the document. And when we speak of business we are mainly referring to micro-, small- and medium-sized businesses, not the major housing developers and retailers that are often portrayed as the only business sector supportive of the NPPF.

**Response to Critics of the National Planning Policy Framework**

15. Although the proposals in the NPPF are to be welcomed, we do consider them to be modest and incremental. We were therefore surprised by the level of opposition to the NPPF.

16. On the following four points we are in agreement with critics of the NPPF in regards to the type of planning system we want to see. They are:

— We want the planning system to promote responsible economic growth;

— We don’t want to see the concreting over of the countryside;

— We don’t want a lax planning regime like those in Ireland, Spain or Greece;

— We don’t want to see a planning system that fails to balance prosperity, people, and places.

17. However, we cannot agree with those opposing organisations that the NPPF will threaten any of the above four points. Opponents are simply wrong when they suggest that the NPPF reforms will result in urban sprawl, lost amenity, and developer free-for-alls. According to the Land Use Futures evidence study (BIS, 2010), less than 10pc of the total land area of England is developed now, and a similar proportion will be developed 10 years after these reforms are enacted, given the safeguards that will continue to operate under the proposed new system.

18. While there is a welcome emphasis on economic growth in the document, this is not at the expense of the environment. A careful reading of the NPPF shows that it reasserts the fundamental purpose of the planning system, which is to balance growth with the protection of the natural environment.
19. The document is clear that the core Green Belt protection is to remain in place. For undesignated areas of the countryside, local authorities will have the power to use their local plans to protect areas and to prioritise brownfields first (which nearly all are very likely to do). While the proposed Community Right to Build scheme would allow for some limited development on the Green Belt, the scheme has strict limits, is subject to local referenda, and envisaged to be small-scale, with approximately 5 to 10 units per scheme.

20. The safeguards for people and places that have always characterised the British planning system will remain, including strict environmental controls. For example, the SEA Directive and Habitats Regulations that steer away or prevent development on environmentally-sensitive and protected sites are outside the scope of the reforms and will remain part of the planning system.

21. The input of statutory planning consultees (eg Natural England, the Environment Agency, English Heritage, the Highways Agency, etc) remains unchanged. These organisations’ involvement in the process is heavily weighted in favour of bodies with agendas of preserving landscape, biodiversity and amenity. And the primacy of planning authorities and the link to local democracy in the system remains.

22. The changes proposed by the NPPF take us nowhere near the planning regimes in Ireland, Spain or Greece. In all three cases, an oversupply of housing due to market speculation—rather than lax planning controls—was to blame for overdevelopment in these countries. England’s market conditions are very different, and the NPPF will not allow for sprawl or ribbon development to occur, as fundamentally it is a simplification of the existing system more than anything else.

THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

23. We support the Presumption in Favour of Sustainable Development. It is our view that the presumption will help deliver local growth and jobs.

24. The “presumption in favour”, as written, is not a developer’s charter. While it is true that many local authorities do not yet have finalised local plans in place, the presumption will speed up the plan-writing and plan-approval processes, which currently take far too long. It is our belief that the introduction of the presumption will in fact provide the strongest incentive to complete local plans and core strategies since these documents were introduced. Local companies and inward investors view these plans as critical to their investment decisions, so this will be another positive outcome of the process.

25. We also believe that the process to issue Certificates of Conformity to existing local plans will not be an insurmountable barrier, and that no “transitional free-for-all” will result.

26. We do not expect the presumption to result in increases in urban sprawl, environmental degradation or poorly designed buildings, and we would challenge its opponents to show exactly how those sorts of outcomes would come to pass.

27. Indeed, there was even a presumption in favour of development included in the 1947 Town and Country Planning Act: the difference is that the NPPF incorporates “sustainability” in the presumption.

28. We do not however support the introduction of a rigid definition of “sustainable development”, either on the face of the Localism Bill or in the NPPF. Planning is, at its heart, a fundamentally subjective process, with judgments made by local authorities and assessed by the courts on appeal. The NPPF’s principles are flexible enough to allow a development’s sustainability to be assessed and tested on a case-by-case basis, without the introduction of more rigid and prescriptive rules.

RISKS OF NOT IMPLEMENTING THE NATIONAL PLANNING POLICY FRAMEWORK

29. If the Government fails to deliver the NPPF and the Presumption in Favour, they run the risk of negatively impacting on the following:

   — **Jobs**: our survey showed more than one in 10 SMEs surveyed discarded expansion opportunities because of fears around the planning system. That means civic-minded companies, many of which have been around in their communities for generations, are not creating the sustainable local jobs our economy needs because they can’t get the premises required.

   — **Housing**: while we support using brownfields first, it is important to recognise that inner-city and edge-of-town brownfields alone will not satisfy Britain’s housing needs—let alone the wishes of the huge number of people with an interest in living in smaller settlements. According to the Land Use Statistics for 2010, 76pc of residential construction was on previously-developed land, with only 19pc on previously agricultural land. This is up somewhat from 2009, where it stood at 14pc, but there is no reason to believe that the safeguards in the NPPF, nor local planning committees, nor statutory consultees like Natural England, English Heritage, the Highways Agency and the Environment Agency, will allow this number to shoot up to 30, 40, or 50pc.

   — **Inward investment**: global companies do consider the UK’s planning system before investing here, and any signal to the markets that we are looking at keeping the current level of dysfunction could make major investors reconsider investing at a time that we need them most.
— Business confidence: the failure of these reforms would have a significant and as-yet unquantifiable impact on business confidence. The Government has made a strong rhetorical commitment to simplifying the planning system. The Government must not retreat on that commitment.

September 2011

Supplementary written evidence from the British Chambers of Commerce

In the CLG Committee NPPF session on Monday 10 October, I said I would write to clarify the BCC’s position on the “sequential test”. This followed an exchange on the potential impact of the NPPF on retailers and other members of the Chamber of Commerce Network.

In practice, and under the current system, planning applications are sometimes made that conflict with considerations of sequence and/or the local plan. This may, for example, reflect issues of financial viability with existing sites. In these cases, Planning Committees will consider the application based on i) the evidence from the applicant; ii) the advice from planning officers and their retail consultants; and iii) considerations of sustainable development laid out in local planning documents and national guidance.

While our members do sometimes question the capacity of planning departments to make informed judgements on financial viability, we do agree with the overall approach: the BCC supports a plan-led system that positively directs development within the context of local plans. Current national guidance (taken forward in the NPPF in section 76–80) directs planning authorities to take a “sequential approach” to considering applications for retail and leisure uses. It is our belief that the NPPF confirms existing national policy and we do not expect the presumption in favour of sustainable development to radically change this.

October 2011

Written evidence from John Rhodes

Summary

— I am one of the four members of the Practitioners Advisory Group that advise the Government on the draft NPPF.

— Planning policy has become too extensive, confused and inaccessible—the NPPF is necessary in order to provide a focused planning policy framework.

— The NPPF needs to be read and understood as a whole. In particular, the recent debate has tended to draw battle lines around a choice between unbridled growth or environmental protection. In fact, the fundamental purpose of the NPPF is to achieve responsible growth, which includes achieving positive environmental outcomes.

— Some limited changes would be sensible to the Government’s draft NPPF in order to ensure that it represents a planning framework which can meet all proper objectives.

(a) Background and the Practitioners Advisory Group

1.1 It may be helpful to the committee to understand the way in which the Practitioner’s Advisory Group draft NPPF was prepared—particularly as the Government’s draft appears to be based so closely on its wording.

1.2 I was invited as one of four people around Christmas 2010 to form a Practitioner’s Advisory Group (PAG) to advise the Minister on the potential form and content of a draft national policy framework. There are several characteristics of the work of the PAG which it is important to record:

(a) We were each invited in our own capacity, rather than as representatives of groups.

(b) We did not know each other before we met for the purposes of forming the PAG but it was clear from the start that we each had different experiences and different perspectives to bring to the debate.

(c) We were given no brief or instructions, apart from a general invitation to prepare a draft national policy framework. It was stressed that this should be our own work but also stressed that it should be work that was agreed between us as a group. We had no chairman or formal voting structure and issues were resolved and agreed between us as we went along.

(d) We reported to Greg Clark and John Howell on a regular basis and they expressed some views to us as we reported our progress but it was emphasised to us that the draft should be our own work and our own opinion and that we should not be significantly influenced by any pronouncements of Government policy, views of civil servants or other factors.

(e) We were provided with a very helpful secretariat from CLG but we undertook the drafting of chapters ourselves and we iterated emerging drafts of the document between us until we achieved an agreed document.

(f) The extent, structure, headings, contents and order of the draft were all a matter for the PAG.
1.3 Whilst it may be possible to characterise individual members of the PAG as either being obviously for growth or for the environment, we learnt in fact that we tended to agree about most things. Perhaps most importantly, we all want to achieve a planning framework which was capable of delivering win:win scenarios, ie a positive approach to planning which delivered necessary development but which also protected and enhanced the environment. We wanted to dispel the notion that economic growth must always be associated within environmental degradation. Our intention was to produce a balanced planning framework, ie the sort of planning policy framework which all interest groups should be able to recognise and support.

(b) The need for reform and a new perspective

1.4 The sheer scale of planning policy has grown relentlessly over the last 20 years. Many of the policy developments have been sensible, and a number of the policy documents have been well written. Nevertheless, taken as a whole, the current scale of national planning policy is far too long to be accessible to the public or to convey a clear and consistent message about what is genuinely important in informing planning decisions. In my 30 years of practice as a private sector planning consultant, I became increasingly aware that there was a tendency for planning policy to become repetitive and to lack focus. Many policy documents are more like essays on a topic, often reciting at length matters which are obvious but without actually identifying what is genuinely important. An example might be PPG13—a landmark in planning policy and much respected for its exposition of the importance of sustainability principles. Nevertheless, it is possible to read the whole of PPG 13 without knowing whether or not planning consent should be granted or refused on transport grounds for a particular development.

1.5 Plan making has become far too complex and many plans share the same characteristics as Government policy. There is a “safety first” tendency in planning policy making which means that planners find it difficult to resist adding more and more text in order to try and cover themselves and every eventuality, with the result that clarity, vision and delivery objectives tend to be obscured.

1.6 There is also a tendency for the planning profession to become an industry in itself, rather than recognising that it is simply an agency for delivering important societal requirements, ie high quality development and environmental protection. Many plan making processes are overly complex, often based on detailed forecasting which is quickly out dated. Employment policies are an example—often supported by a plethora of technical studies which collectively add very little to the question which should be asked, ie “what does business need?”.

1.7 Planning applications have become more and more expensive to prepare. The information requirements for applications have increased as policy and legislation add greater burdens, greater regulation and more requirements for compliance. Apart from the increased entry price for a developer, applications have become less accessible to the public, they take longer to prepare and longer to determine. In recent years, for instance, sustainability requirements have properly achieved greater and greater significance in the determination of applications. Nevertheless, rather than a strong national code to which all development should comply, applicants are faced with multiple standards each developed and applied with different levels of skill and understanding from one authority to the next.

1.8 All of this complexity makes planning less accessible but also generates increased opportunity for legal challenge—the more specific requirements there are, the more opportunity there is to challenge an omission or an inconsistency.

1.9 The public have become turned off to planning and often feel excluded or unqualified to engage in the debate. In practice, however, most planning decisions should be relatively straightforward—is the development a good idea or not?

1.10 All of the additional layers placed on the system have been well intentioned but it is my belief that the Government was right to develop the radical proposition that fundamental change rather than further tinkering was required.

(c) The need for a positive framework

1.11 It is perhaps easiest to look at house prices to identify that planning has not delivered. Throughout the south-east in particular, housing has simply become unaffordable to new generations and the simple truth is that not enough housing has been developed. This may be due to multiple factors including mortgage availability etc but planning has an important part to play. In particular, it has become increasingly clear that many planning authorities simply do not accept an obligation to meet housing requirements. Depressingly, numerous plans undertake Strategic Housing Market Assessments to identify affordable housing needs but do not plan to address the consequences of those assessments. The inevitable result is that housing shortages will become more extreme and house prices will continue to become more and more unaffordable. The normal policy reaction has been to increase affordable housing policies from say 20% to 40% or 50%—or even 100% but this is not a sufficient response because:-

— 30% or 40% of insufficient homes still generates insufficient affordable homes; and
— The viability of development is challenged and the incentive to develop is reduced.
1.12 It is probably true that the same constraint do not apply to all sectors of the economy. Office rents, for instance, have stayed relatively stable in real terms as have industrial land prices. Nevertheless, the country does face an urgent need to regenerate itself. As well as seeking to address chronic housing shortages, the planning system needs to be up to the challenge of:

- Restructuring the economy to meet the challenges of global competition, the need for a low carbon economy and increasingly flexible ways of working;
- Ensuring a dynamic retail economy which maximises productivity;
- Renewing the nation’s infrastructure; and
- Achieving environmental enhancement rather than simply insisting on environmental protection.

1.13 Revising national planning policy is an important step but it is only one part of the change which is necessary in planning and it needs to be seen as part of a package with other measures including:

- Revising guidance as well as policy. Planning guidance has grown even more than planning policy and the extent of its requirements creates similar opportunities for legal challenge and bureaucracy. For this reason, the PAG wrote additionally to the Minister advising that similar initiatives should be taken with planning guidance, drawing on the experience of planning officers and practitioners;
- Planning needs to become more accessible to communities. Simplifying guidance is a good start but there is an important message to get across about the opportunity which planning provides for communities to genuinely shape their environment;
- Money—the NPPF is rightly complemented by initiatives to secure funds locally to achieve infrastructure and other community objectives. For too long, there has been no proper answer to the question “but what's in it for us?”, with the tax and rates benefits of developments being returned to central government. CIL, the New Homes Bonus, TIF etc all provide opportunities for communities to develop proactive plans to achieve the types of cities, towns and villages that meet their requirements.

1.14 All these issues raise questions of communication. There are big messages that need to be given and understood and the NPPF is just the start.

(d) The Importance of the Local Plan

1.15 The PAG could have recommended scrapping Section 38(6) of the 2004 Act which provides that planning decisions must be made in accordance with the policies of the local plan, unless there are other material considerations—but we all quickly agreed that local plans should remain at the heart of the planning system. If local authorities and local communities take the trouble to generate local plans which are consistent with the NPPF, they should be able to rely on those local plans to refuse development as well as to positively shape the development which is necessary.

1.16 We wrestled with the potential intellectual conflict between a presumption in favour of sustainable development and a presumption in favour of the local plan. Our response was to suggest that the presumption should inform the plan, ie that plans must be positively prepared to meet the expectations of the NPPF. If this is achieved, decision making does not really need to be different in principle from the way it has always operated. Positive plans should meet development requirements, there should be less opportunity for planning refusal as a result but unacceptable development would still be contrary to the plan and properly refused. The presumption in favour of development would not then apply again to somehow trump the plan—as it will already have been taken into account in the formulation of the plan.

1.17 Section 38(6), therefore, remains the law. The NPPF is policy—clearly it will be very important policy but the law will still require planning decisions to start with the Local Plan, where the Local Plan is up to date.

1.18 The same consideration should apply to Neighbourhood Plans. There is possibly some need to bring greater clarity to the NPPF in relation to Neighbourhood Plans. Para 52 rightly requires Neighbourhood Plans to be in general conformity with the strategic policies in the Local Plan. It could be made clearer, however, that this must mean that Neighbourhood Plans cannot be adopted until there is an up to date Local Plan in place. The NPPF should also make clear that Neighbourhood Plans must do more than “have regard to” the NPPF. The purposes of the NPPF would be undermined if areas became covered by Neighbourhood Plans which were inconsistent with its objectives—particularly if Neighbourhood Plans were adopted before NPPF consistent Local Plans were in place.

1.19 The suggestion that existing plans should be certificated against the NPPF if they are to continue to carry weight was a deliberate suggestion of the PAG. In my view, it is important that all planning authorities understand the deliberate and significant shifts in policy which the NPPF represents. Some authorities may remain in denial of the extent of the policy changes and insist that their plans remain up to date with the consequence that the relative importance of the NPPF and the existing plan will cause confusion, beneficial development may be rejected and planning appeals may be necessary in order to establish the reality of the position in individual districts. The opportunity for certification can cut through these risks in order to bring necessary clarity.
1.20 In my view, it is likely that a large proportion of existing plans, particularly in the south-east of England, will be shown to be inconsistent with the NPPF at least in some respects. The certification process is capable of highlighting that fact relatively quickly and this should accelerate the necessary stimulus to growth, particularly housing growth, in the south-east of England.

(c) The importance of the environment

1.21 A full reading of the draft NPPF identifies the extent to which it seeks to protect the quality of the built and natural environment. The NPPF expects high quality design (paragraph 115), it encourages authorities not only to prefer the development of at least environmentally sensitive land in their Local Plans (para 19) but to plan positively for environmental enhancement (paragraph 24) and for developers to mitigate or compensate for any significant harm to biodiversity (paragraph 169). The draft also promotes the use of money from developments to fund local objectives and services, including plans for environmental improvements (paragraph 18). Green belt tests and green belt purposes are unchanged from PPG2 (paragraph 133 onwards) and valued landscapes are directly protected (paragraph 167 onwards). A careful framework was also put in place to protect the historic environment (paragraph 176 onwards) with clear presumptions against substantial harm to heritage assets of the highest significance and with the importance of other heritage assets to be properly weighed in planning decision making.

1.22 These characteristics of the NPPF have tended not to feature in much of the more sensational press coverage in recent weeks. They are, however, an essential component of the NPPF and a deliberate part of the balance which is struck between the need to ensure a positive approach to development and the need to not only protect but to positively enhance that which is genuinely important about the national or local environment. In fact, policies for environmental enhancement are new to the NPPF and they deliberately exceed the requirements of existing national policy. The same could be said of NPPF policies relating to climate change which the PAG readily recognised was one of the most important challenges to be addressed.

(f) Applying the presumption

1.23 Against this background, allegations are made that the presumption effectively allows developers to build what they want, where they want—which, of course, is neither the intention nor the effect of the draft NPPF.

1.24 The presumption is set out at para 14. It makes clear that the presumption is intended to inform the plan making process, so that the Local Plan stays at the heart of the planning system. In drawing up the plan and in making planning decisions where the plan is silent or out of date, the presumption applies. However, the terms of the presumption are clear, presuming in favour:

... “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.”

1.25 As a number of the more informed commentators have explained, this does not represent a seismic shift from the way in which the current planning system works. In the absence of an up to date plan there should and long has been a presumption in favour of development but it is not a presumption in favour of all development—only that development whose benefits are not significantly and demonstrably outweighed by adverse effects. Whilst the words have clearly caused concern, I do not think they should. Insignificant harm should obviously not be enough to refuse planning consent. Neither should the benefit of consent be withheld if likely harm cannot be demonstrated.

1.26 As the phrase requires, the NPPF needs to be read as a whole. Its policies on environment, design, heritage etc are all there to help to inform what may be important about harm. It deliberately sets out the principles of what it is important to expect from any development so that the debate on harm from any particular proposal can be properly informed.

1.27 In response to some of the criticisms that have been raised it may be helpful to say the following:

(1) The NPPF deliberately does not require every development to demonstrate its sustainability. Arguments about the true definition of sustainability and whether any individual development is genuinely sustainable are potentially endless. True sustainability is almost a “holy grail” and such a test would dramatically extend rather than reduce bureaucracy and debate in the planning system. Instead, the NPPF works the other way around. It presumes in favour of development unless a level of harm is caused that infringes the principles of the NPPF. The NPPF adopts the most accepted definition of sustainability and does not seek to change it. Rather, it seeks to explain how it should be applied in planning decision making.

(2) The question “what does this mean for individual development proposals?” is almost impossible to answer in the abstract and the NPPF deliberately does not descend to endless descriptions of scenarios which may or may not justify the refusal of planning permission. Every planning decision needs to be considered on the merits in the light of its own circumstances and it is impossible for national policy to seek to anticipate every relevant circumstance. Instead, it is a framework for decision making. It trusts to the common sense of the decision maker by providing the tools for that decision but not by predetermining the outcome.
1.28 Where genuine and demonstrable harm would be caused by a development, it should not be planned for in a Local Plan or approved in a planning application unless its benefits outweigh that harm—this is a clear planning principle which should not in my view be controversial.

(g) Communities

1.29 Many have suggested that the NPPF places growth above localism.

1.30 To some extent this is true in the sense that the NPPF does not give communities a completely free hand in how they may plan their local areas. This is because the Government has identified that there is a national imperative in the nation planning to meet its own requirements. Government is entitled (almost obliged) to ensure that that is the case and a framework which enabled the blanket resistance of development would severely harm the national interest.

1.31 Nevertheless, it is important to recognise:

1. Greater clarity on the relationship between the Local Plan and the presumption;
2. Greater clarity on the relationship between Neighbourhood Plans and Local Plans and a clearer test that Neighbourhood plans must conform with the NPPF;
3. The opportunity could be taken to integrate the operation of CIL more closely with Local Plans;
4. I prefer the approach of the PAG draft to the question of local sustainability standards, ie that they should not be separate local standards but there should be strong national standards, preferable codified and operated through Building Regulations rather than planning control;
5. The role of cultural facilities in enhancing sustainable communities could be developed further in the text;
6. There are some additions that have been made, for instance, to the town centre section and to the heritage section of the document which may detract from its clarity and purpose; and
7. Care needs to be taken that the document is not compromised by un-coordinated revisions—it must always be coherent as a whole.

(i) Conclusion

1.33 The draft NPPF may not be perfect—extensive consultation, scrutiny and examination is an extremely important part of the process. Nevertheless, in principle, it holds the potential to bring multiple benefits and to provide the country with the planning framework that it deserves.

8 September 2011
Written evidence from Professor Paul C Cheshire

"...This ridiculous figure...The same applies to the thesis that planning in London is twice the cost in Paris and 10 times that in Brussels. If this were true, it is odd that London has become the financial centre of Europe....Brownfield sites are estimated to have room for a further 3m houses..." Simon Jenkins, The Guardian, 13 September 2011

1. Introduction

1.1 The outcry caused by the publication of the draft NPPF is extraordinary. Its balanced nature and logical, altruistic and evidence-based arguments recall the more extreme elements of the Tea Party movement in the USA. The outpourings of Simon Jenkins in The Guardian, appearing to represent the 3.5 million members of the National Trust, exemplify this moderate tone. In the quote above there is not one single element of fact. Offices prices are higher in New York than they are in Wichita, Kansas but New York is rather more important as a centre of financial services; there is no source for the assertion that three million houses could be accommodated on Brownfield land. There nearest I can find is the 2008 Green Paper which put forward a target of building three million houses by 2020 of which 60% would—by definition have been on Brownfield land.

1.2 In fact the case that the planning system has been imposing severe constraints on the supply of space for housing and commercial activity should not need rehearsing again here. It has been established with increasingly persuasive evidence now since the mid 1980s.1 The problem is that the annual additions to the stock of buildings are so small relative to the total existing stock that the impact of the 1947 Act and its subsequent reinforcements on urban containment took many years to creep up on us. In Appendix A, I attach a figure on the real price of housing land from 1892 to 2008 and the real price of housing from 1931 to 2008. It is apparent that the constraint imposed on the supply of land by the 1947 Act only had a price impact which became progressively more obvious and made the markets more volatile from the mid-1950s. But since then the real price of housing has increased by a factor of 4.5 while the real price of housing land has increased by a factor of 12.3. The planning system has intentionally constrained the supply of urban land (not houses themselves) and the long run pattern is very clear. Houses have become ever less affordable although, of course, the economic cycle leads to changes in the short term. We have created a long term problem of affordability; and at the same time a succession of short term problems of market crises.

1.3 The constraint on land supply for urban development has not only caused house prices to rise in real terms over the longer run but has caused destabilising housing market volatility; this contributed to the financial crisis post 2007 and makes the problem of managing monetary policy more difficult. The rise in real prices and prices relative to incomes has been documented in numerous publications by the former NHPAU as has the effect this has had on redistributing real wealth from the young to the old and to the housing have-nots. It also impedes inter-regional labour market mobility and adjustment.

1.4 Recent research, moreover, shows that our system has imposed substantial extra costs on office occupiers compared to comparable cities in Europe or to New York2 (possibly the ultimate source that Simon Jenkins denies exists) and has had a highly damaging impact on total factor productivity in the supermarket sector (estimated as a loss of at least 20%).3

1.5 Finally it has become increasingly evident that the sheer complexity of the planning system, especially as it operates in England, and the use of development control as compared to Master Planning or Zoning mechanisms to enforce land use regulation, imposes very substantial compliance costs that increasingly make sites unsuitable for development. This has been reinforced by the policy of requiring 60% of development to be on "Brownfield" sites. The largest and those with the lowest remediation costs/in the highest demand locations have got developed first so that the policy has driven developers onto ever higher cost sites (smaller/higher reclamation costs) in locations in lower demand. The result is that Brownfield sites have become ever more economically marginal and capable of sustaining less in the way of planning gain or CIL.

1.6 The irony of the restrictiveness of the system is that it actually generates incentives to build on some parcels of land which have the strongest amenity and environmental reasons for being protected. The very high value of land caused directly by the policy-imposed restrictions on its supply means that Local Authorities have been increasingly tempted to build on land they own including recreation grounds, playing fields and allotments. In contrast to the effectively limitless supply of intensively farmed land, which has no public access but is protected from development by Greenbelt and other planning designations, many of these smaller parcels of previously public land had high amenity and environmental value. The social and environmental case for not building on school playing fields or allotments is very strong. One of the primary functions of the planning system should be to protect such areas from development. But by causing land in desirable locations to be in such short supply the system has created strong incentives—sadly often too alluring to resist—which result in development going on exactly the most socially and environmentally valuable land. Ironically the system too

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1 See from many examples Cheshire and Sheppard, 1989, 2002 and 2004; Barker, 2003 and 2006; Hilber and Vermeulen, 2010, or Evans and Hartwich, various. For a recent overview and less technical summary of the evidence see either Centre for Cities (Aldred) 2010 or Cheshire, 2009.
2 Cheshire and Hilber, 2008.
3 Haskel and Sadun, 2009; Cheshire et al. 2011.
frequently runs against the very purposes it was designed originally to serve. If Private Eye (Issue No 1297 16
September 2011) is to be believed even the National Trust has fallen prey to this, allowing housing
developments on one of its properties—Cliveden.

2. Provisions of Draft NPPF

2.1 Despite the almost hysterical opposition it has create—presenting it as a plan to “concrete over England” or “grab our countryside”—the draft NPPF is, against this background, to be welcomed even though it is only
a modest improvement. It is to be welcomed for two main reasons:

(i) It goes some way to simplifying a system which has become ridiculously complex; so that just its
complexity imposes serious deadweight losses of compliance costs; and

(ii) It removes or moderates some of the most serious constraints on useful urban land supply. It thus
should, if implemented, increase the supply of economically viable land and increase the volume of
construction; and, by increasing supply, in the medium term make housing and commercial space
somewhat less expensive than would otherwise have been the case. This is not just a socially valuable
outcome but vital to economic efficiency in the medium term.

2.2 The single most important and welcome provision is the removal of the target for 60% of development
to be on Brownfield sites. Potentially equally valuable, although needing clarification, is the proposed
introduction of market signals (paragraph 19):

“…planning policies and decisions should take into account local circumstances and market signals
such as land prices, commercial rents and housing affordability.”

2.3 The most important reason why the planning system has introduced the massive price distortions that it
has4 is because up to now it has not taken any price or market information into account in determining land
supply for different purposes. This has produced huge price discontinuities between land designated in one use
class compared to another just within a few yards. These price discontinuities signal that land in the relatively
more expensive use category is in shorter supply; so the supply should—other things being equal—be
increased.

2.4 The question is what are those “other things”? It is clear that in land markets there are endemic problems
of so-called “market failure”. Unregulated land markets will typically not generate socially optimal outcomes
or patterns of use. Land has amenity values for recreation, for example, and environmental values (as habitat,
for example, or water catchment) which will not be reflected in market values. So market signals should inform
planning decisions to minimise damaging price distortions but the wording here should be amended to make
it clear that in determining the supply land for a particular use on the basis of market signals, the environmental
and amenity values of land are properly taken into account. What should matter is not the designation of the
land as, for example, Greenbelt or not (which the present draft unfortunately appears to retain). What should
matter is the environmental and amenity value of land in its present use not reflected in its market value for
an alternative use. So I would argue that the provision should be redrafted along these lines:

“If the market price of a parcel of land in some alternative use exceeds its value in its currently
designated use (by say £350 000 per ha)?—that is would command a price premium in the
alternative use—then there should be a presumption that its use category should be changed and
development permitted unless it can be shown that the environmental and amenity value it generates
in its existing use exceeds that price premium.”

2.5 In other words it is important that decisions should not be made on the grounds of market signals in
isolation but should continue to reflect—indeed reflect much more explicitly—environmental and amenity
values. These ideas are set out in more detail in Cheshire and Sheppard, 2005.

2.6 The contingent presumption in favour of sustainable development expressed in the draft NPPF is simply
common sense. It would seem obvious that—provided environmental and amenity dimensions are properly
safeguarded—there should be a presumption in favour of development. However there is a serious danger that
the implied purpose—to favour development when there are no offsetting environmental and/or amenity
arguments against it—will be frustrated by its interpretation. It is possible that “sustainable development” will
be interpreted in a purely mechanistic way: that development which is permitted in Local Plans is “sustainable”;
that which is not mentioned is definitionally “unsustainable”. This would, of course, be circular nonsense
frustrating what I take to be the purpose of the phrase. The draft NPPF should be amended therefore and make
it explicit what the meaning of “sustainable development” is.

2.7 A final but important criticism relates to the retention of the Town Centres First policies (TCF) for
retailing including the retention of the “needs” and “sequential tests”. This has been shown to generate a
significant barrier to entry and to have reduced total factor productivity in the supermarket sector by at least
16% (see Cheshire et al., 2011). Previous work by Sadun (2008) had shown that Town Centre First policies

4 For example if permission to develop housing on a plot of agricultural land close to Oxford were to have been obtained in 2007
the value of that land would have risen from some £10,000 per ha to some £7.5 milllion per ha.(Value Office Agency, Property
Market Report)

5 It would generally be sensible to add some amount—arbitrarily set here at £350,000 per ha to prevent land being developed just
because of short term market pressures and to put some brake on the transfer of land between uses.
had directly caused a reduction in town centre retail employment—mainly because the big supermarkets had
developed their in-town "express" and "local" formats and squeezed out more traditional and varied shops.

2.8 Moreover, far from retaining the viability of town centres it is likely that TCF policies have not only
reduced employment in them but, by driving up town centre rents and the costs of operation, they have
promoted the homogenisation of high streets. Moreover they have had a perverse impact on real incomes since
it has been shown they have reduced productivity in the supermarket sector and poorer families spend larger
proportions of their incomes in stores—particularly supermarkets—than do richer ones. So the TCF policies
have adversely hit the living standards of poorer families. Finally—although introduced to facilitate the use of
public transport and promote sustainability—there is no evidence that they have had this effect. Indeed it seems
far more plausible that they have increased the carbon footprint of the retail sector because by keeping
supermarkets smaller on average they have promoted more shopping trips; they have crowded shopping trips
into more congested areas; and above all they have forced re-stocking trips to be over longer distances
(warehouses remain located in relation to the motorway system), to be more frequent because smaller lorries
are used in more congested areas; and re-stocking trips are concentrated in more congested areas increasing
fuel use and contributing to urban air pollution. In addition by slowing the rate of new build they have had the
effect of aging the stock of retail buildings and older buildings are on average less energy efficient. Thus the
probability is that the TCF policies introduced in their full force from 1996 actively work against all their
declared goals and have both adverse environmental and distributional net effects.

2.9 It is a missed opportunity, therefore, not to have struck out the “needs” and “sequential” tests and to
have moved to a planning position which assessed the case for retail development as any other form of
commercial development. I would urge that the draft NPPF is amended accordingly.

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August.

September 2011
Written evidence from the Town and Country Planning Association (TCPA)

1. ABOUT THE TCPA

1.1 The Town and Country Planning Association (TCPA) is an independent charity working to improve town and country planning. Its cross-sectoral membership includes organisations and individuals drawn from practitioners in local government, private practice, housebuilders, academia, third sector organisations and special interest groups. It puts social justice and the environment at the heart of policy debate and champions fresh perspectives on major issues of planning policy, housing, regeneration, the environment and climate change. Our objectives are to:

- Secure a decent, well designed home for everyone, in a human-scale environment combining the best features of town and country.
- Empower people and communities to influence decisions that affect them.
- Improve the planning system in accordance with the principles of sustainable development.

2. INTRODUCTION

2.1 The TCPA wants to see an outcome driven and visionary planning system which is responsive to people’s needs and aspirations and delivers long term sustainable development for the nation.

2.2 While planning can claim many substantial achievements, we recognise that the current system can be unresponsive and remote from communities and does not always deliver the high quality outcomes vital to building a better future for England. The Government’s draft National Planning Policy Framework (NPPF) seeks to simplify and streamline planning policy. The TCPA recognises the value of removing unnecessary duplication and complexity in national policy while retaining proven ideas and approaches which have been working well. Our key objective is to ensure that the new NPPF is both visionary and workable. It must help deliver high quality, well located homes; create dynamic local economies; and deal with the pressing challenge of climate change. In reforming the planning policy, we must ensure that the new framework:

- Contains a powerful and coherent operational definition of sustainable development based on the 2005 UK Sustainable Development Strategy.6
- Increases certainty and clarity.
- Leads to better outcomes for all sections of society.
- Is accessible to all sections of society with a clear governance structure recognising the importance of community rights and democratic accountability.

3. THE PURPOSE OF THE NPPF

3.1 The draft NPPF is intended to replace the existing suite of Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs) with a concise unified document. All PPSs, PPGs, Minerals Policy Statements (MPS) and Minerals Planning Guidance (MPG) will be revoked as well as a number of “Chief Planning Officer” letters and some circulars (see table at Para 38 of the Consultation document). It is now clear that the NPPF will not replace all circulars and guidance and that further consideration is being given by the Department for Communities and Local Government (DCLG) about what further advice7 is necessary. The consultation is made of three key documents:

- “Draft National Planning Policy Framework”.
- “Draft National Planning Policy Framework: Consultation” which sets out questions and how to respond.
- “Draft National Planning Policy Framework: Impact assessment” (Note: There is a separate equalities impact assessment).

3.2 This latter document is also in the form of a consultation and contains many of the assumptions behind the policy in the NPPF. It sets out the Government’s evidence base for streamlining planning policy into one consolidated Framework. The TCPA is concerned that the impact assessment does not contain a robust evidence base and that it does not reflect the potential costs of the proposed new framework.8

3.3 The TCPA believes there should be three tests applied to the new NPPF:

- Vision...does the NPPF set out the right challenges facing the nation and does it offer the right spatial vision for solving them?
- Principles...does the NPPF contain the right principles for planning in terms of sustainable development? Are these principles articulated clearly?

7 Such advice would not have the weight of formal government policy and its unclear who would prepare it. It is likely that the Circular which simply interprets legal requirements will be retained.
3.4 The provisional view of the TCPA is that the current draft does not meet these tests but that key amendments, particularly around the definition of sustainable development, would substantially improve the outcomes for business and communities.

4. DOES THE NPPF CONTAIN THE RIGHT VISION FOR ENGLAND?

4.1 As drafted, the NPPF does not set out a clear and ambitious vision for the future of England. Neither does the framework contain a section which deals with the multiple challenges to the nation over the next 20 years. The document focuses primarily on short term growth issues and would benefit from articulating a coherent analysis of the multiple social, economic and environmental challenges facing the nation in the medium and long term.

4.2 We understand that it was not the Governments intention to make the NPPF a spatial framework for the nation and as a result it does not address the diverse spatial nature of the nation. The draft NPPF does not reference the very particular urban fabric of England and the role of key urban concentrations such as London. This places significant limitations on the usefulness of the document in guiding our collective strategic future.

The TCPA strongly recommends that the Government sets out a spatial vision for England that would deal with the broad implications of for example, demographic and climate change and help reconcile the twin, and often conflicting, imperatives of localism on the one hand and national pro-growth agenda on the other. The NPPF would also benefit from suggesting the kind or location of new settlements which might be preferable (for example between urban concentration or rural dispersal). A clear and positive statement of how the NPPF relates to other strategies such as the suite of National Policy Statements (NPS), the National Infrastructure Plan, the Natural Environment White Paper, and the UK Low Carbon Transition Plan would be very helpful.

5. KEY PLANNING PRINCIPLES

5.1 The draft NPPF sets out the overriding policy principles for planning. It then discusses plan making and development management before focusing on a number of specific policy issues. In terms of planning principles there is clearly a hierarchy in the document which decision makers will need to address and which affords more weight to the section headed “Core planning principles” (paragraph 19, page 5).

5.2 Sustainable development: The first principle of the NPPF is sustainable development, but expressed very differently to the 2005 UK Sustainable Development Strategy. Unlike the current PPS1 (2005), the NPPF does not reference the UK Sustainable Development Strategy and, as a result, contains no coherent articulation of how sustainable development principles should be applied in spatial planning. It also ignores the very valuable learning and knowledge which underpinned the ambition of the 2005 UK Strategy. The reference to the Brundtland definition in paragraph 9 of the draft NPPF does capture the notion of protecting the interests of future generations but it does not provide a detailed mechanism for its implementation which is contained in the UK Sustainable Development Strategy. For example, one the key bridging concepts between Brundtland and practical delivery was the notion of “living within environmental limits” (see Annex 1). The draft NPPF contains no reference to this foundational aspect of sustainable development. Neither is there any content on social justice or equality which featured heavily in the existing PPS 1 (see in particular Paragraph 13 of the existing PPS 1). The net result is that the draft NPPF does not contain a recognised or comprehensive definition of sustainable development and does not appear to have the operational principles necessary for its delivery. This is a crucial concern because the new test of whether a development is “sustainable” in relation to the presumption in favour of sustainable development is now to be solely the NPPF which itself re-defines sustainable development as largely economic growth.

The TCPA strongly recommends that the definition of sustainable development in the NPPF accurately reflects Government’s own 2005 UK Sustainable Development Strategy. The NPPF should then articulate a series of outcomes focused priorities which can be the basis of local plan-making and which can be used for monitoring progress on key economic, social and environmental goals.

5.3 The NPPF makes clear in a number of places that the key objective of the planning system is “sustainable economic growth”. The Impact Assessment document goes further to identify the liberalisation of planning policy as a major benefit to the private sector. Decisions should be made to support growth unless such growth impacts on defined statutory designations. This formulation of a presumption in favour of sustainable development and a residualised understanding of the “environment” (as simply designated sites) risks putting decision-making back to the policy environment of the early 1980s.

5.4 The presumption in favour of sustainable development: The second major principle defined by the NPPF is the presumption in favour of sustainable development which is recognised in the consultation document as the primary mechanism to facilitate economic growth. The presumption works as a deregulatory measure (“the answer to development and growth should wherever possible be ‘yes’, except where this would clearly conflict...Is the NPPF deliverable? Is the policy clear and consistent and does it reflect the law?"
with other aspects of national policy” Para 16 NPPF consultation document.) The claim that the presumption will be sustainable rests with reference to the contents of the NPPF which, as outlined earlier, is not a recognised expression of sustainable development principles.

5.5 There will now be two primary presumptions at work in the planning process. The existing presumption in favour of the plan as set out in law (Section 38 of 2004 PCP Act), and the policy presumption in favour of sustainable development. Initially, there is likely to be a significant tension between these two ideas but the Government’s intention is to ensure that eventually all plans are founded on the presumption in favour of sustainable development. This is complex because it had been previously assumed that the presumption was meant to operate where plans were “silent”, “out of date” or “indeterminate”. In fact, the presumption is now also the core principle of both plan-making and development management.11

5.6 This raises questions about how a general policy to say “yes to development” sits alongside a plan-making process which has to go through a Strategic Environmental Assessment (SEA) as well as allocate sites strategically, and often sequentially, to ensure sustainable patterns of development. In basic terms, if the default answer to all development is yes then what function does a plan have? The risk is that while the NPPF places an emphasis on the plan-led system, the plans themselves may be residualised to mapping statutory designations but unable to set a strong positive vision for the future.

5.7 For example, it may be hard to defend long term commitments to highly sustainable developments against shorter term speculative sites (particularly with the impact of the viability test discussed below). It is also interesting to reflect on how a presumption which applies the NPPF to test all cases where plans are “absent, silent, indeterminate or out of date” relates to the ambition for localism.

5.8 There is a very real risk that without further clarity the new presumption will act in the short term to undermine a plan led approach (see sections 13 and 14 on transitional arrangements) resulting in greater appeals and uncertainty. This outcome threatens public legitimacy and economic development.

6. The TCPA Position

6.1 The TCPA wants to see a positive and visionary planning system which is not inhibited by unnecessary process leading to mediocre outcomes. The best way to achieve this is through smart outcome driven plans which offer both strategic vision and allow for maximum community participation.

6.2 It is not clear to the TCPA that the presumption, as currently described, helps deliver this objective. If the Government is to pursue the presumption it should be applied very carefully with a clear understanding of the intended objectives and avoiding the risks of unnecessary delay and uncertainty which flows from the issues described above and in particular from the lack of a clear definition of sustainable development.

6.3 The presumption should be used to support plans and plan-making and not to undermine them. There should be an unambiguous statement of support for the plan-led system where plans are up-to-date. The test of “up-to-date” should continue to have an element of proportionality and flexibility. Plans themselves should not be subject to the general policy presumption in favour of sustainable development, but to existing provisions

11 See Para 20 of the NPPF
of the NPPF to deliver for the development needs of communities and business based on a clear and objective evidence base.

6.4 Where plans are absent or clearly out of date there may be a case for a return to the presumption in favour of sustainable development but only if sustainable development has a proper operational definition based on the 2005 Sustainable Development Strategy.

7. Strategic Cooperation

7.1 The NPPF deals briefly in paragraphs 44 to 47 with the challenges of strategic cooperation. The text does not significantly add to that contained in the primary clauses of the forthcoming Localism Bill. It does include a list of key issues for cooperation by references to the “strategic priorities” which are set out in Paragraph 23. These issues include housing, transport and climate change and provide a useful starting point for the scope of cooperation. However, there is no prescription on the form of cooperation and we remain concerned about how displaced demand will be dealt with in relation to housing, energy or minerals.

7.2 The separate DCLG consultation on Local Planning Regulations sets out a list of public bodies subject to the duty to cooperate. This list contains a selection of public bodies but omits any reference to key private sector partners, such as infrastructure providers, whose involvement is crucial to planning for strategic growth. This list could be strengthened by including organisations such as Network Rail and other major utilities.12

In addition to the list of key issues for cooperation, the TCPA recommends the duty to cooperate is strengthened in the Localism Bill to include a defined output of cooperation and a geographical boundary. (See TCPA Localism Bill Briefing, May 2011, full reference on last page)

8. Neighbourhood Planning

8.1 Neighbourhood planning continues to be a feature of the NPPF but the scope of such plans appears to be restricted. The NPPF makes clear that neighbourhood plans should “reflect” and “positively support” the strategic objectives of the Local Plan and must also be subject to the presumption in favour of sustainable development. The need for general conformity between such plans is logical and welcome, but there are further restrictions on setting local standards in specific policy areas and in particular on building sustainability where there is a restriction to follow national standards.13 Taken together with existing restrictions in relation to housing, minerals and waste, it is important to ask whether the complexity and cost of neighbourhood planning meets the aspirations and expectations of many local communities.

The TCPA recommends that Government clearly sets out for communities what they can expect from the neighbourhood planning process so that communities can understanding the scope of their influence over local planning issues.

9. Core Planning Principles

9.1 The core planning principles on page 5 of the NPPF place an emphasis on commercial data and price signals14 but make no specific references to climate change adaptation or mitigation. The list is a mixture of ideas which do not appear to offer a systematic approach to the delivery of sustainable development. Likewise the list of issues identified as key in developing a proportionate evidence base for plan-making does not contain any requirement to gather data on carbon emissions.15 Neither is there any requirement, advice or guidance on how to monitor or review progress against any of the strategic priorities set out in the NPPF. This omission has long term consequences for data quality in England and limits the ability of the planning service to understand its collective progress against key national and international targets on housing, energy and carbon reduction.

The TCPA recommends that climate change adaptation and mitigation receives greater emphasis as a core planning principle, and that in developing a proportionate evidence base for plan-making there is a requirement to gather data on carbon emissions. The core principles would benefit from setting a requirement to monitor or review progress against the strategic priorities set out in the NPPF.

9.2 The TCPA has long campaigned for the benefits of sustainable, comprehensively planned new settlements and the NPPF is completely silent on this issue. There is no reference to the wide ranging benefits which comprehensively planned new settlements can provide. This omission makes it difficult for local authorities to play a leadership role in the provision of new settlements. Significantly, the NPPF also does not give a general indication of the kinds of new growth the government might wish to see. For example, previous guidance

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12 See Para 150 which would also impact more widely on the ability of local authorities to require innovative policies on carbon reduction and sustainable construction. TCPA welcomes the use of national standards as a policy floor but would not wish to rule out local innovation above those standards.

13 The TCPA recognises the importance and limitations of price signals in planning decision making. For example the claim in the impact assessment that greater land allocation in high demand areas will lower rents and prices is unsafe. The complexity of land economy and special nature of land and housing as commodity means that estimating how much additional land allocation would reduce prices has never been adequately determined.

14 See Para 27 onwards
suggested a concentration of growth on existing urban areas and on brownfield land; both of these commitments have been withdrawn. Other organisations have already raised concerns about additional “lost” policy areas, notably cultural and artistic assets. The TCPA strongly supports the inclusion of guidance on these issues in the NPPF.16

The TCPA recommends that there is specific reference to the wide ranging benefits which comprehensively planned new settlements can provide which would help local authorities to play a leadership role in the provision of new settlements such as garden cities.

10. SPECIFIC POLICY ISSUES

10.1 The NPPF sets out a number of specific policy issues including:

(1) Business and economic development.
(2) Transport.
(3) Communications infrastructure.
(4) Minerals.
(5) Housing.
(6) Design.
(7) Sustainable communities.
(8) Green Belt.
(9) Climate change, flooding and coastal change.
(10) Natural environment.
(11) Historic environment.

10.2 Each one of these policy areas is described in two to three pages of text and the TCPA welcomes aspects of the specific contents on design and climate change. While the Impact Assessment states that overall there has been no major policy changes, the brevity of the Framework has removed very important guidance on methods and approaches. Housing and climate change are perhaps the most obvious examples of where the NPPF provides substantially less or no indication of how data should be handled, or in relation to climate change, where it can be sourced—the TCPA is particularly concerned about this in relation to climate change adaptation. This lack of clarity may lead to costs and delay by generating uncertainty as to what constitutes the right evidence base for Strategic Housing Market Assessments (SHMA), climate adaptation or what figure to apply for carbon reduction.

The TCPA wants to ensure that changes made to planning policy will lead to “faster” and more “transparent” decision making and therefore recommend that for key priorities, such as housing assessment and climate change mitigation, Government provides guidance on methods, approaches and sources of data.

10.3 The issue of viability and practicability are common themes in all the specific policy sections. Viability is established as a vital aspect of plan-making17 and development management but is also invoked in relation to requirements for sustainable transport, social housing and other environmental standards. For example, minimum thresholds for the amount of social housing required from a developer have been removed on the grounds that this decreases the viability of sites in low demand areas and is therefore an “obstacle” to development.18

10.4 The issue of viability risks being overemphasised and may undermine local authorities ability to ensure high standards. The UK development model does not include “open book” accounting which would allow for a transparent judgment to be reached on viability. While there are tools available to calculate viability these do not remove the need for a negotiated settlement between developers and local authorities.

The TCPA wants to ensure that local authorities negotiate reasonably but from a position of strength. The overwhelming stress on viability in the NPPF undermines the ability of local authorities to defend high quality development.

11. SPECIFIC POLICY CONCERNS

11.1 In addition to the general concerns established above, there are further detailed policy questions:

(1) Housing—where will the proper inputs to Strategic Housing Market Assessments (SHMA) be defined? What is the rationale and evidence base for the added 20% housing target for “competition”? How will this figure work out in areas of constraint or low demand?

The TCPA recommends that Government works with the sector to ensure appropriate guidance is provided on the preparation of SHMA’s.


17 See Para 39–41

18 The NPPF is silent on this issue but the policy is articulated on page 62 of the Impact Assessment document. The potential risks are not adequately identified and in particular the weaker negotiating position this measure creates for all local authorities but particular those in low demand areas.
(2) **Town centre first**—what will be the effect of the removal of office development from the town centre first policy on sustainable transport, particularly in the context of the removal of car parking standards?

The TCPA recommends that the Government retains the town centre first policy as well as car parking standards to ensure that our town and city centres across the nation prosper and we get the behaviour shift towards more sustainable modes of transport.

(3) **Climate change, green infrastructure and building standards**—why is there no articulation of the role of green infrastructure and no mention of a strategic policy on green infrastructure which is mentioned in the Impact Assessment and the Natural Environment White Paper? We are keen to understand why the NPPF does not reference the Code for Sustainable Homes when it discusses “national standards” for the sustainability and performance of buildings.

The TCPA recommends a greater recognition of the importance of climate change and spatial planning, and in particular of the multiple benefits of green infrastructure and quality building standards.

(4) **Renewable energy**—in the absence of any requirements for energy targets or monitoring how will government judge progress on CO2 reduction or renewable energy obligations set at the EU level? The NPPF should clearly articulate the role of the Department of Energy and Climate Change (DECC) in monitoring energy capacity and delivery and identify this as a key aspect of the evidence base for plan-making.

The TCPA recognises that local authorities will need greater guidance and data on renewable energy to ensure we meet our national and international commitments.

12. **Workability**

12.1 The Impact Assessment document which accompanies the NPPF states that the policy will:

- Increase certainty and clarity.
- Hand power back to people.
- Be more user friendly and accessible.\(^1\)

12.2 The TCPA wants to help ensure that the NPPF meets these aspirations. At present, the TCPA is concerned that the draft document potentially introduces legal inaccuracies and uncertainties which could result in challenge and delay. It also contains policy inconsistencies and limits neighbourhood planning by reducing the policy scope of such plans and by imposing centralised policy approaches.

13. **Legal Issues**

13.1 Any change in policy creates unforeseen legal issues. However, the TCPA wants to highlight to the Government that some of the legal problems which may arise from the NPPF can be avoided rather than resulting in challenge and delay. For example:

- The application of the presumption where plans are “absent, silent, indeterminate or out of date”\(^2\) is likely to result in major legal challenge and argument to define what these terms mean. For example, it will always be possible to argue that a plan is “indeterminate” because it contains a range of policy which may both support approval and justify refusal. This is a matter of judgment and the courts will have to test each of these words carefully. (There is already case law on the “out of date” issue). Ironically, the use of the word indeterminate could risk encouraging more complex policy on the ground as local authorities seek to write policy for every eventuality.

- There will also be further areas of argument and challenge over the relative legal weight of the presumption in the NPPF versus the legal status of an adopted Local Development Framework (LDF). Where developers seek to appeal against refusals made on existing plans on the grounds they don’t include a presumption they will face the problem of the plan having much greater legal force than the NPPF.

\(^1\) See page 3 of the NPPF Impact assessment document  
\(^2\) See Para 14 bullet 3 of the Draft NPPF
— The overall planning reform process would have benefited from clear transitional arrangements, but there is a particular problem in relation to the final publication of the NPPF. At that point all existing adopted LDFs—and those post examination or well advanced (at least 50% of plans in England by April 2012)—will be technically out of date. As a result, the presumption in favour of sustainable development will apply to all developments in their area so that the contents of the NPPF becomes the de facto policy framework (see Para 25 of the draft NPPF). Partly for the legal reasons described above and partly for obvious confusion this causes there is real risk of major delay (as the result of appeals and challenges) and even stasis in the local planning process. This position will remain until Local Plans are updated to reflect the new NPPF—a process which will take perhaps 18 months to two years. It is not yet completely clear how the Government will deal with this critical issue. Paragraph 25 of the draft NPPF makes clear that “it will be open to local planning authorities to apply for a certificate of conformity with the framework”. This optional approach appears to imply that DCLG will offer to test draft and adopted LDF’s to see if they conform with the NPPF. This raises a whole series of yet more questions about how precisely an LDF, based on a revoked Regional Strategy (RS) or the existing PPS 1, could ever meet a test of conformity with the new NPPF, particularly in relation to the presumption in favour of sustainable development. All of these issues provide a number of grounds for both appeal and for legal challenge.

— Para 51 of the NPPF is legally incorrect. Neighbourhood Development Plans (NDPs) cannot outrank LDF’s in law because they both form part of the development plan and have equal legal status in the 2004 Act.

— Para 62 and 63 of the draft NPPF gives a legally incorrect definition of how development management works in law.

The Legal Status of the NPPF

The NPPF is a statement of Government policy and unlike National Policy Statements (NPS), it has no definitive legal weight set out in primary legislation. The Consultation document makes clear that the NPPF will have the same status as PPSs set out in the 2004 Act. Section 19 of the Act makes clear that authorities should have “regard to” “guidance” issued by the Secretary of State. In practice the precise status of the NPPF is likely to be resolved by case law which will need to decide in each instance the relative weight to be given to a statutory development plan versus a non-statutory guidance document. This is not to say the NPPF is not a powerful statement of policy but simply to highlight the intrinsic complexity of enshrining key approaches in guidance rather than law.

14. POLICY INCONSISTENCIES

— There is a significant difference in tone of the definition of the presumption in favour of sustainable development in Paragraph 14 with that in Paragraph 20. Paragraph 20 is based on the definition issued by DCLG in July and Paragraph 14 is significantly more deregulatory in tone by stating that Local Planning Authorities (LPAs) should “…approve all individual proposals wherever possible”. These subtle but important differences will be the source of a good deal of debate at appeal.

— There are large policy conflicts between the sections on climate change which talk about “radical” reductions in carbon emissions and the sections on viability (see Para 39) which stress the need to not impose undue burdens on business. How are decision makers to resolve these conflicts?

— The Impact Assessment assumes that it will be straight forward to judge when an application is in breach with the principles set out in the NPPF taken as whole; this will not necessarily be the case. Most medium and large scale developments are complex and produce multiple benefits and impacts. Ultimately the draft NPPF currently prioritises growth over sustainable development, but judging the precise level of impact on, for example, carbon emissions which should overcome the growth imperative will still be a complex matter of local judgment and will most likely result in appeals.

The TCPA is concerned that these issues will lead to uncertainty, appeals and legal challenge with consequent delay to the process. The TCPA believe it would be possible to reduce the scope of this delay by setting out a clear transition plan and stating explicitly what key concepts such as “indeterminate” mean in detail.
Further reading:

- The Future of Planning Report, TCPA report, June 2010:

Written evidence from Policy Exchange

Policy Exchange was founded in 2002 by Michael Gove, Nicholas Boles, and Francis Maude. It has taken a major interest in housing and planning since 2005 and published a series of key reports on housing and planning such as Unaffordable Housing; Fables and Myths in 2005–07. These reports tried to cut through many of the misconceptions around housing and planning policy (eg only 10% of England is developed, why confusion around concepts like brown field meant highly valuable urban greenery being destroyed).

These earlier reports sought to consider how a different system might look with a more localist and compensation based system, trying to see how and why other countries’ planning systems worked better than the UK’s. We deeply believe more homes and more attractive development for people to live in should be a core goal of policy for all parties.

Policy Exchange returned to the subject with Making Housing Affordable in 2010. This won Prospect Magazine’s Think Tank Publication of the Year and attempted to show why social housing should give greater weight to employment in allocations. It also set out the full cost of our housing crisis to society and government, whether that was the rising wealth inequality or £20 billion housing benefit.

It also showed why most of our housing problems link back to a single problem—our dysfunctional planning system. The planning system in the UK very substantially undersupplies land for housing. By doing so, it is the main cause of our high housing and, internationally speaking, commercial space costs.

Planning is not the only reason housing is expensive; there was clearly a credit bubble from at least the mid-90s, whilst we have a particularly dysfunctional house building sector. Policy Exchange will be expanding on
this in our forthcoming report, Cities for Growth. This will set out in more detail why our planning system fails as well as how it has created the current problems with our house building sector.

The NPPF is a key part of the DCLG’s plans to reform the planning system. Policy Exchange’s views continue to be that Government intervention in planning should be limited to where there is real market failure, that compensation should flow to localities where development takes place, and that people should have a real say over development.

October 2011

Written evidence from the Home Builders Federation

INTRODUCTION

1. The Home Builders Federation is the representative body of the home building industry in England and Wales.

2. The Federation’s member firms account for some 80% of all new homes built in England and Wales in any one year and include companies of all sizes, ranging from multi-national household names through regionally based businesses to small local companies.

3. The Federation welcomes the opportunity to contribute its views to the Inquiry and sets out below its answers to the main questions posed by the Committee.

Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

4. The draft National Planning Policy Framework (NPPF) is a succinct and clear statement of national planning policy. It is not intended to be a “guide book” or “checklist” for planning decision makers or an instruction manual for local planning authorities or planning applicants. The principles that it expounds are neither new nor radical, drawing, as they do, on the purpose of the planning system and well established planning principles developed to protect the public interest from private interests and to balance the often competing requirements for economic, social and environmental growth and protection.

5. The draft NPPF contains the key elements of planning policy guidance from the current Planning Policy Statements (PPSs) for England. Importantly, however, the NPPF is less prescriptive than the current PPSs in setting out this guidance.

6. This deliberate reduction in prescription is welcome. It is a little remarked upon aspect of localism in planning. The aim is that local authorities and neighbourhoods should be able to apply the key principles of national planning policy flexibly and creatively, taking account of local circumstances and requirements.

7. We believe this less prescriptive approach should result in a less confrontational and adversarial planning system and better outcomes by encouraging and enabling practical dialogue between applicants, communities and planning authorities. It will create the space and freedom for the parties to discuss how identified development requirements can be accommodated in a way that also satisfactorily meets other local objectives, including the protection of local amenity and environment.

8. Many critics of the planning system (and the draft NPPF) do not appear to accept the need for the system to make decisions in the wider public interest. Instead, many “objectors” in practice seek to protect their own private interest or view. This is most obviously demonstrated by the results of various opinion poll surveys in which people recognise and accept the need for more dwellings generally yet become increasingly less accepting of this requirement the nearer the location of a proposed development is to their own home. This is true of a great deal of development—minerals extraction, waste processing, and major infrastructure such as roads and railways as well as housing.

9. The planning system needs, therefore, to be informed by policy and practice that seeks to represent and involve the wider community and public interest rather than be driven primarily by those of vocal minorities. Previous attempts at including a much wider representation (through community plans for example) have resulted in a much higher acceptance of the principles of development and a more inclusive approach towards community engagement. It is this that the draft NPPF (and the Localism Bill) is seeking to foster. The NPPF and the Localism Bill will actually increase the opportunity for whole communities to be a part of the planning process.

10. It is for this reason that the NPPF sets out that proper assessments should be made at local plan level of housing and other requirements for the area. Once such assessments have been made in the light of a suitable and robust evidence base, the Framework leaves it to the Local Planning Authority and the neighbourhood to determine how and where these identified requirements are met.
11. In association with the NPPF, we believe there will be a need for some good practice guidance to ensure consistency of approach, particularly with regard to cross boundary issues such as strategic planning of infrastructure and housing.

12. The case for producing such guidance is particularly strong for issues such as determining housing requirements, strategic housing market assessment and housing land availability assessment. Common and shared understandings of how such key assessments should be undertaken in order to assemble an evidence base that will command confidence as part of the local plan process will be central to the success of the NPPF.

13. Ministers envisage practitioners playing a key part in producing such guidance. We see merit in the "localist" ethos of this approach. For example, it is the practitioners—whether planners, communities, developers or others—who have the knowledge and experience of how to undertake assessments of housing and other requirements and what information is needed.

14. Such guidance will command most credibility and force in supporting the implementation of the NPPF if it has been worked up and agreed by the full range of practitioners and bodies with an interest in it. It is also important, however, that where different parties have come together to produce such guidance it is then endorsed by Government as legitimately assisting the delivery of the NPPF.

15. HBF is currently involved in a group—also comprising, amongst others, the Town & Country Planning Association, the Royal Town Planning Institute, the Planning Officers Society, Shelter and the National Housing Federation—that is considering guidance and best practice in undertaking strategic housing market assessment.

Is the definition of "sustainable development" contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

16. The concept of "sustainable development" as a goal of the planning system has been developed through planning policy over the last 20 years or so in response to the Brundtland Report of 1987, "Our Common Future".

17. The Brundtland 3-legged stool in which the three elements of sustainability must be in balance provides a high level objective for planning policy. Crucially the objective considers the overall public interest and cannot be applied literally to every locational planning decision on a self-contained individual basis. In practice the application of planning policy to individual decisions requires for many reasons that it may be desirable to emphasise, or, in planning terms, to place greater weight, on one or more of the elements of sustainability in a given case.

18. Thus, in areas of high environmental value—SSSIs, AONBs, National Parks etc—it is considered sustainable to place greater emphasis on environmental protection than on social or economic development. In areas of market failure or deprived communities it might be desirable to place greater emphasis on the social or economic goals of regeneration at the expense of the loss of some natural environment considerations. The planning system has been making judgments and decisions on how to balance the weight to be placed on competing objectives in decisions ever since the 1947 Act. Weight to be placed on material considerations is a matter for the decision maker and they are required to explain their decision. None of this is radical nor is it changed through the wording of the NPPF. Decision-makers have been required, and will continue to be required under the NPPF, to demonstrate that overall the individual elements of local plans and the developments permitted under them collectively result in sustainable development.

19. Given the above it is not considered possible to produce a single, precise, national definition of what constitutes sustainable development in all circumstances. Moreover, any attempt to do so would be very likely to make decisions on individual planning applications extremely difficult to reach with the result that the planning system became much slower and a significantly greater barrier than previously to necessary development. Such an outcome clearly cannot be in the public interest: to produce positive outcomes and true sustainable development the planning system must continue to be allowed to place greater weight in individual cases on one or more of the three elements of sustainable development.

20. In view of these very important considerations, therefore, the draft NPPF defines the principle of sustainable development rather than approaching the concept as if it were a checklist of what is and isn’t "sustainable".

21. The presumption in favour of sustainable development is not a radical change to planning policy. However it is a radical change of approach that should be adopted by everyone involved in planning whether professionally or as a member of a community. In effect the presumption requires local planning authorities to explain why a development should not go ahead rather than placing this onus on the applicant of convincing the authority as to why it should be approved.

22. It does not mean that any development will have to be approved anywhere. The principles of sustainable development, as set out in the draft NPPF, will apply to all development proposals. Similarly the planning system will remain plan led.

23. It is the responsibility of local planning authorities and local communities to ensure that they have in place a clear and deliverable development plan against which applications can be assessed in terms of
sustainability. If authorities choose to ignore this responsibility it is only fair that applications can still be assessed—using national policies as set out in the NPPF. To do otherwise would reward those authorities who choose to ignore their responsibility for plan production and facilitating development within their administrative area—ultimately at the expense of other areas who do meet their responsibilities.

24. From a policy perspective, it cannot be in the national public interest that some areas could in effect seek to pass on their responsibilities to other areas. That would produce sub-optimal outcomes that would in itself carry a significant risk of undermining the objective of sustainable development.

25. Looked at in this way, the presumption in favour of sustainable development is the necessary glue or discipline to ensure that under a change to localism the exercise of local planning powers does not result in detriment to other areas or unsustainable outcomes damaging the overall public interest.

Are the “core planning principles” clearly and appropriately expressed?

26. The HBF believes that the draft NPPF is very clear and very succinct.

27. However, given the apparent recent confusion about the scope and purpose of the NPPF, some additional clarification might be helpful, particularly with regard to the need for a timely and deliverable development plan to provide a clear starting point for individual planning decisions that can be related to the area’s overall vision for promoting sustainable development.

Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

28. The succinctness of the NPPF and its omission of detailed guidance or explanation of policy could potentially lead to other departments of government (central or local) producing their own “supplementary” guidance.

29. If it was felt that such guidance was necessary, there would need to be a means of it being tested as conforming to the principles set out in the NPPF.

30. The Government should therefore adopt a clear procedure whereby any such proposed additional guidance should be endorsed and issued by the Department responsible for planning policy—namely Communities and Local Government.

31. Any official guidance notes should be clearly referenced in the NPPF itself in order that people can clearly assess the weight to be given to other, “unofficial” publications and proposals.

32. In addition, while we believe the NPPF takes account of existing and proposed National Policy Statements on strategic infrastructure requirements, the relationship between the NPPF and the National Planning Statements could perhaps be set out more clearly in a single, overarching statement in the NPPF.

Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

33. HBF remains concerned that once the Regional Strategies are abolished, particularly with regard to their strategic role of providing for an open debate and resolution of cross boundary issues and strategic planning, the duty to co-operate may not prove effective in resolving such issues—or at least mean they take longer to resolve.

34. While the duty to co-operate will require parties to work together there is no clear resolution process for situations where a robust solution to strategic challenges cannot be readily agreed between the parties involved. This will pose a particular challenge to the new system and to the Planning Inspectorate in determining whether individual local plans are sound or not.

35. A great deal of planning must take account of issues that are larger than local (not least sustainable development patterns for growth) and the lack of a clear process to ensure that these issues are clearly debated and equitably resolved should be of considerable concern to everyone. The presumption in favour of sustainable development will provide an incentive that in this context reinforces the duty to co-operate, but our view is that further thought also needs to be given to resolving cross-border issues that cannot be readily agreed between the relevant parties.

Are the policies contained in the NPPF sufficiently evidence-based?

36. As suggested above—the policies contained within the NPPF are not as new or as radical as suggested by some commentators. They are drawn from the many years of experience and outcomes of the planning systems before them and the guidance and policy notes of the current and previous planning processes.

37. Taking this experience on board, the NPPF sets out a balanced planning policy and outcomes that the Government is seeking to achieve in terms of sustainable development—of social, economic and environmental considerations. Supporting these tried and tested principles, the NPPF also sets out sensible and objective
requirements for the gathering of evidence to inform the provisions of local plans in key areas such as housing
supply and other forms of development.

September 2011

Written evidence from the British Property Federation

INTRODUCTION

1. The British Property Federation (BPF) welcomes the opportunity to submit evidence to the Communities
and Local Government Select Committee on the draft National Planning Policy Framework.

2. The BPF is the voice of property in the UK, representing companies owning, managing and investing in
property. This includes a broad range of businesses—commercial property owners, the financial institutions
and pension funds, corporate landlords, local private landlords—as well as all those professions that support
the industry.

3. The BPF is very supportive of the thrust of the draft NPPF but, recognising that certain bodies have some
misgivings about aspects of the proposed policies, we have sought to put forward in this evidence some
suggestions for allaying those concerns.

Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others,
including investors and developers, while at the same time giving local communities sufficient power over
planning decisions?

Does the NPPF give sufficient guidance?

4. We believe that the objective should be to create a national planning policy framework which:
   — is as clear and succinct as possible;
   — enables the creation of jobs, homes and necessary infrastructure without undue delay and
     expense; and
   — takes proper account of the principles of sustainability.

Against this broad objective, we feel that the Government has largely succeeded in producing a draft
document which is succinct, balanced and comprehensive.

5. The draft NPPF rightly stresses that we must have a planning system which facilitates the development
needed to enable us to house our population and earn our living in the world. However, it stresses, too, that
growth must be delivered in a way that meets the principles of sustainable development.

6. We do not believe that the NPPF will obviate the need for more detailed formal guidance from Government
on a number of issues. For instance, the Localism Bill may give rise to a need for some additional guidance
on the process of neighbourhood planning. However, any such guidance should sit firmly under the NPPF and
every effort should be made to keep such guidance to a minimum.

7. The Government has made it clear that it will in future largely be up to industry bodies and associated
professions to produce whatever “informal” guidance or good practice that they feel may be needed. We are
aware of and involved in current projects to produce good practice guidance in two areas: the historic
environment and the production of housing market assessments. A key question, however, is what status such
“informal” guidance will have; in particular what weight will decision-makers (local authorities, CLG’s
Secretary of State and the Planning Inspectorate) attach to it? Our view is that these decision-makers are likely
to attach greater significance to such guidance if it can be demonstrated that the guidance:
   — has been produced in response to widespread feeling that there is a need for it;
   — has been drawn up by a broad and inclusive group of bodies, rather than a particular interest group;
   — is clearly evidence-based; and
   — has been the subject of widespread consultation.

8. The concerns that we have about the concept of industry / planning bodies producing sets of guidance
are that:
   — There is a danger that there could be a proliferation of guidance which over time could lead to a
     re-creation of the PPSs and PPGs that are being cancelled. It will be important to be aware of the
danger of “guidance creep”.
   — Producing evidence-based guidance that has been subject to widespread consultation is a costly
     business and the kind of planning and other bodies best placed to produce it have very limited
     funds available to enable them to do so. It is not surprising, therefore, that the emerging heritage
guidance referred to above is being facilitated by English Heritage. It may be that other arms of
Government will need to offer some support to enable guidance to be produced in areas where it
is deemed to be useful.
Some co-ordination of guidance would be helpful so that we do not see over-lapping and uncoordinated sets of guidance that would simply cause confusion. It would also be helpful to have a central repository where such guidance could be lodged.

**The Role of Local Communities**

9. We believe that the NPPF gives local communities important powers over planning decisions as it:

- reinforces the development plan-led nature of the planning system, with local plans prepared by democratically elected local authorities in consultation with their relevant communities;
- stresses the new system of neighbourhood planning which should give local communities greater decision-making powers over such matters as where development should go and what it should look like; and
- emphasises the need for Local Plans to reflect the needs of local communities for housing, employment, etc through evidence-based analysis.

**Interaction of the NPPF, Local Plans and Neighbourhood Plans**

10. A key question is whether the NPPF, Local Plans and Neighbourhood Plans complement each other or create contradictions. In particular, is the pro-growth message in the draft NPPF compatible with the delegation of planning powers to neighbourhoods who may not necessarily welcome new development?

11. We understand that the Government believes that these various elements are compatible because:

- The NPPF requires local authorities to put together Local Plans that are based on a rigorous evidence-based assessment of their future needs for housing and economic growth. Whilst things like housing targets are no longer imposed on local authorities from above as was the case under the former regional planning regime, local authorities will still be required to act responsibly. Ignoring the future needs of their communities is not an option.
- Neighbourhood Plans have to be compatible with Local Plans and cannot therefore opt for less development than that envisaged in Local Plans. Ministers do not believe that this undermines localism because they feel that most local communities are not intrinsically opposed to new development. It is the lack of control that they can exercise over its location and appearance that is instrumental in stoking opposition. Giving communities much greater control over where development goes and what it looks like, therefore, should make those communities much more willing to accept development. Ministers also believe that neighbourhoods will be more willing to accept developments if they can see clear benefits flowing from it for their communities. Hence their enthusiasm for measures such as allocating a proportion of the Community Infrastructure Levy for community use.

12. Much of the above makes good sense. However, there are many in the development community who, nonetheless, see some conflict between the growth and localism agendas. They are not convinced that local communities will be as welcoming of new development as Ministers expect. Indeed, there is an irony in that many conservation bodies are suggesting that the Government’s planning reforms are a “licence to develop” whilst most developers are yet to be convinced that the new regime, taken as whole, will make development easier to achieve.

Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

13. It is disappointing that the debate over the draft NPPF has become so polarised. Since its publication, the draft NPPF has been subject to strong criticism from a range of bodies who have argued that the NPPF and, in particular, the proposed presumption in favour of sustainable development, will fundamentally change the balance of the planning system, allowing almost untrammelled development in the countryside. The National Trust has even suggested that it could herald Los Angeles-style urban sprawl with the clear implication that it poses a particular threat to the Green Belt. We believe that this criticism is very misleading. It is quite clear, as Ministers have reiterated, that there is no threat to the Green Belt or other protected areas.

14. Much of the criticism has centred around the introduction of the presumption in favour of sustainable development. Whilst the presumption is an important aspect of the emerging NPPF, we do not see it as marking a radical change to the existing planning system. The crucial point which so many of those attacking the draft NPPF have ignored, is that the presumption should not be exercised in a vacuum but within the context of a Local Plan drawn up by an elected local authority following extensive consultation with their local community. That Plan must reflect an evidence-based assessment of the future economic, housing and other needs of that community. It must also be drawn up paying full regard to the principles of sustainability which involves balancing environmental, economic and social considerations. The point is not that new development will be sanctioned which would not previously have been allowed; but rather that development which fully accords with the Local Plan should now be dealt with more expeditiously and development which meets sustainability criteria is less likely to be stalled by the absence of an up to date plan. The NPPF and the presumption should,
therefore, be seen as underpinning the kind of plan-based approach to planning that many in both the planning and development communities have long been seeking.

15. Our conversations with conservation bodies suggest that their primary concern is that some local authorities will continue to struggle to produce Local Plans and that, as a result of the operation of the presumption, could then find unwelcome and inappropriate development thrust upon them. We think that these fears are unfounded for the following reasons:

— In the first place, the presumption should place a much greater onus on local authorities to prepare and keep updating local plans. There should, therefore, in future be fewer cases of absent or deficient plans.

— Secondly, the suggestion that if there is no up to date plan then “anything goes” is a travesty of the Government’s proposals. If an up to date Local Plan is not in force, then decisions about planning applications will be made in accordance with the principles set out in the draft NPPF. As the draft NPPF makes clear the presumption should apply so as to “grant permission where the plan is absent, silent, indeterminate or where relevant policies out of date……unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”. That means that authorities must consider any application against the whole body of the NPPF which repeatedly stresses the need to take account of sustainability and lays particular emphasis on the need to protect the green belt, valued landscapes and heritage assets as well as support sustainable transport modes and combat climate change.

16. Despite the polarised nature of the debate, we believe that there are a number of areas where there may be scope for some change to make the NPPF more broadly acceptable:

Up-to-date Local Plans

17. There is common ground across property and conservation bodies that the inability of many authorities to produce and maintain up-to-date plans has been one of the key failures of the current planning regime. We believe that fears would be considerably allayed if there was greater confidence that the vast majority of local authorities were able to maintain up-to-date Local Plans. The question, therefore, is whether more specific requirements could be placed on local authorities to produce up-to-date plans. We see no reason why this should not be the case. Although local authority resources are stretched, preparing and maintaining an up to date Local Plan should be seen as one of the most important functions of any local authority. We do not see it as a particularly onerous requirement, as the Government has stressed the need to keep Local Plans as streamlined as possible and for local authorities to jettison extraneous planning documents unless they are clearly essential.

18. We believe, therefore, that the broad acceptability of the Government’s planning proposals would be enhanced if there was a clearer and more enforceable obligation on authorities to produce and maintain Local Plans. Consideration could be given, for instance, to the feasibility of having set target periods for the preparation and review of core strategies.

Maximising the use of brownfield land

19. Much of the debate on the draft NPPF has turned on whether it will lead to the loss of undeveloped countryside, Green Belt and open space. One change which has sparked particular concern is the abandonment of targets for building on brownfield (ie previously developed) land. We are anxious that as much new building as possible should take place on brownfield land. Clearly, however, the availability of brownfield land varies greatly around the country and some areas with the greatest need for housing development have the least amount of such land. We think, therefore, that it would make most sense for local authorities to be required to set out in their Local Plans policies for maximising the use of brownfield land in their areas. This would also be more in keeping with the thrust of the localism agenda.

20. We would also make the point that if we are to maximise the use of brownfield land much greater effort needs to be directed towards the remediation and the regeneration of such land, much of which suffers from contamination and other problems. At a time of cuts in public spending, the budgets and reliefs available to help bring such land back into use are under particular pressure. The NPPF could possibly help by stipulating that in determining a planning application for a new use for contaminated land, a decision-maker could treat its funding of the site’s remediation as a material consideration.

Sustainable development

21. Another concern that has been expressed is that the presumption in favour of sustainable development depends on there being a sufficiently robust definition of what is meant by “sustainable development”. The definition of sustainable development in the NPPF uses the classic Brundtland definition and talks appropriately about balancing economic, social and economic considerations. The Brundtland definition has the merit of familiarity and in the twenty five years since it was first produced, no one seems to have been able to produce anything which has won wider acceptance. However, we recognise that the Brundtland definition was designed
to cover a wide spectrum of issues and we are not wedded to this definition if a better form of words can be produced. The consultation, therefore, provides an opportunity to consider whether any better forms of words might be available.

However, we would stress two points:

— However detailed a definition is provided there will always be a need for what constitutes sustainable development to be interpreted within the context of a particular case.

— The interpretation of what constitutes sustainable development does not rest simply on the references in the document to the Brundtland Commission but on the wording of the document as a whole. When judged in that light we think that the issue of what sustainable development means is dealt with in a fairly comprehensive basis.

Offices and the sequential test

22. A further concern has been the omission of offices from the sequential test under which it is required to make efforts to locate new development first in town centres and only as a last resort in out of town locations. Clearly, the sequential approach has the greatest relevance to the retail sector as concerns about the health of town centres tend to focus primarily on the perceived threat of out-of-town retail developments. Nonetheless, we are very supportive in general of the town centre first approach and agree that, where suitable space is available, town centres are generally preferable as locations for offices. It is probably the case that, whether or not offices are included in the sequential test, the preferred location of most new office development will continue to be in town centres for reasons connected with transport links and agglomeration (ie the advantage that businesses receive from locating together). We would have no problem, therefore, for the case for excluding offices from the sequential being re-examined.

Are the "core planning principles" clearly and appropriately expressed?

23. Although commentary on the draft NPPF has focused on one or two elements, notably the presumption in favour of sustainable development, the draft NPPF is to a large extent a précis of the key messages in the existing PPSs and PPGs. We think that the task of distilling the essence of those sets of guidance into a short, readable document has been carried out with considerable skill.

24. The draft Framework rightly places sustainable development as the underlying core principle of the planning system and recognises the need to balance environmental, social and economic goals in achieving sustainable development. We are in total support of this. It also contains other key messages that are particularly important, including:

— The need to focus on viability and deliverability to ensure that development is feasible.

— The key need for authorities to draw up an infrastructure plan at the same time as the Local Plan and for that to be linked to the assessment of the Community Infrastructure Levy.

— The desirability of a “town centre first” approach.

— The need for high design standards.

— The need to reflect the greater involvement of neighbourhoods in the planning process that the Government envisages.

— The fact that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent it.

— The strong emphasis on pre-application engagement.

— The need to ensure that information sought by authorities from developers should be proportionate to the scale of the likely impact.

25. Given the widespread concern about the very low levels of housing supply and the implications that these have (eg for falling levels of owner occupation, lack of opportunity for first time buyers and constraints on economic development), the recasting of the housing elements of planning policy guidance in the NPPF is particularly important. There is a welcome and necessary emphasis on significantly increasing housing supply, delivering greater choice, widening opportunities for home ownership and creating communities that will remain viable in the longer term. We are particularly pleased to see:

— The need to maintain an evidence base to ensure that the Local Plan meets the full requirements for both market and affordable housing in the housing market area.

— The rolling five year supply of deliverable sites including an additional 20% to ensure choice and competition. We note that there has been widespread misunderstanding about this provision and the message needs to be sent out more clearly that this is not intended to increase the total amount of housing provided.

26. There is a change of policy in the draft NPPF, which removes the indicative policy of Government to require affordable housing on developments of 15 units or more, and replace this with greater flexibility for local authorities to determine their own policies. Affordable housing is then defined in the glossary in line with PPS3.
27. The result of the change is to give local authorities greater flexibility to define when affordable housing requirements will be required, which we broadly welcome. This greater flexibility could either result in affordable housing being required on smaller developments, or going beyond the current indicative 15 units, or we presume no requirement at all.

28. We find, however, that in a world with less housing grant that local authorities are increasingly seeking to be innovative in the mix of housing they provide, and what is defined as affordable should also be left to the local authority. There is also ambiguity in the current definition of “affordability” which is carried forward from PPS3, when it states:

“Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.”

We understand and support the intention of this, but there is unnecessary ambiguity over what is “subsidy”. Does it include grant, public land, land contributed by the developer?

Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

29. The draft NPPF goes a long way towards drawing together a wide range of planning guidance into a single document. However, we have some concern that an opportunity is being missed to make it absolutely clear that the NPPF is the overarching statement of national planning policy, not simply one of a suite of Government documents from different departments which touch on planning matters and have some sort of equality of status.

30. When the Government announced that it was to introduce an NPPF, our reaction was that there needed to be a reference to the NPPF in primary legislation to ensure that it carried the requisite weight. We suggested a simple amendment to the Localism Bill which stated that:

“In discharging their planning functions, local planning authorities shall have regard to a National Planning Policy Framework that will set out the principles and priorities that will guide the implementation of planning policy in England”.

31. The reaction from Government was that there was no need to have such a reference in legislation as the NPPF would have the status of “policy” and so would have the same weight as existing PPSs. Moreover, it was stressed to us that it was not possible for one set of Government policy to have some kind of precedence over others. Whilst we recognise the validity of some of these points, we cannot help but feel that an opportunity is being missed to introduce greater clarity and avoid future confusion.

Other Key Issues

32. We have a number of detailed concerns about the wording of the draft NPPF which we will be highlighting in our response to the DCLG. However, we would like to draw attention to two issues that are of particular concern:

Paragraph 51: Strategic elements and neighbourhood plans

33. The section on neighbourhood plans (para 49 et seq) spells out that Neighbourhood plans should be in conformity with the strategic policies of the Local Plan. Outside these strategic elements, Neighbourhood Plans would be able to shape and direct development in their areas. The crucial point, therefore, is what constitutes a “strategic element”. We do not think that this is at all clear at present and will be pressing for greater clarity about what these “strategic elements” are intended to encompass.

Paragraph 187: buildings in conservation areas

34. The insertion of Paragraph 187 in the draft NPPF reverses the currently accepted approach to the treatment of buildings in conservation areas. It would mean that the demolition of an unlisted building in conservation areas which makes even the smallest positive contribution would be deemed automatically to constitute substantial harm. This would have far-reaching consequences given the fact that most of central London, for instance falls within the boundaries of conservation areas.

35. In our view, Paragraph 187 is inconsistent with the principles set out in Paragraph 177 and 180, relating to particular degree of significance; is lacking in proportionality in the approach to unlisted buildings in conservation areas; and makes demolition of unlisted buildings in conservation areas subject to the same tests as a Grade 1 Listed Building. This would seriously undermine development in central activity zones and cannot surely be what the Government intends to achieve.
published—was far from adequate and we are pleased that the Government has considerably strengthened it in response to the widespread concerns that have been expressed. We welcome the fact that the draft NPPF also sends out the right messages about the need for local authorities to plan strategically in relation to the strategic priorities identified in the draft Framework and for them to be able to demonstrate evidence of having successfully co-operated.

37. Inevitably, however, the degree of co-operation on strategic planning achieved will depend to a large extent on the willingness of neighbouring authorities to adopt a positive and pro-active approach to the duty to co-operate that has been imposed on them. That is almost certainly going to lead to very variable outcomes. A good deal of emphasis is being placed on the potential for Local Enterprise Partnerships to help make the duty to co-operate a reality. However, the ability of LEPs to help will depend heavily on the willingness of local authorities to resource them adequately and give them sufficient head. LEPs are as yet an unknown quantity and their performance is bound to be variable.

38. The whole area of strategic planning is of such importance that the Government should undertake to review the operation of the new system once it has been introduced and show willingness to make whatever adjustments may be needed in the light of experience.

Are the policies contained in the NPPF sufficiently evidence-based?

39. One of the most encouraging aspects of the draft NPPF is its emphasis on the need for Local Plans, including future housing needs and economic development, to be drawn up on an evidence-based approach. There is already extensive good practice available to guide local authorities in constructing an evidence base e.g. for employment and housing need. However, there may be a need for further supplementary guidance in some areas. As mentioned above, we are already participating in work on how authorities can best assess future housing market requirements.

9 September 2011

Written evidence from the National Trust

INTRODUCTION

1. The National Trust welcomes the Committee’s inquiry and we are pleased to offer this response to your consultation.

2. The National Trust is a leading conservation charity. We protect and manage, on behalf of the nation, over 270,000 ha of countryside and over 700 miles of unspoilt coastline and estuary. Our coast and countryside open spaces attract more than 100 million visits per year. We are also responsible for many hundreds of buildings and gardens of historic or cultural significance.

3. The Trust is also a major business, with a turnover close to £500 million and some 5,500 employees. Over 3.8 million people are now members of the National Trust which is over 5% of the UK population. Not only are we a major provider of tourist facilities, and owners of Europe’s largest network of holiday cottages and gift shops but we also develop commercial housing to support our conservation work. Over the last ten years we have built or have consent for over 900 homes to be sold on a commercial basis. As such we are both an applicant and objector in the planning system.

THE NATIONAL TRUST’S POSITION

4. The National Trust supports moderate and targeted reforms of the planning system. We also support growth. This stems from an understanding that economic gain is one of the three integrated strands of sustainable development.

5. However, we are gravely concerned that that the National Planning Policy Framework combined with the Government’s other planning reforms will fundamentally change the purpose of the planning system, will not work in practice in the way the Government intends and will undermine local democratic decision making.

6. The modern UK planning system developed after the Second World War, however prior to this, Government recognised the need to have a system of regulation to balance the public interest in terms of development and the impacts this might have on people and the environment. This was particularly acute following the industrial revolution and early planning law stemmed from the Public Health Act of 1875 recognising that there was an inherent link between town planning and wider public benefits. The principle that this is the purpose of the planning system has held true since that time.

7. Whilst enabling economic growth has been one outcome of the system, the planning system itself has not had a mandate to promote growth. Its distinctive role has been to deliver public benefit by integrating economic, environmental and social goals. The economy has not in principle carried any greater weight than other public benefits.

8. The National Trust also believes that whilst the amount of regulation has grown it is wrong to suggest that the planning system holds the economy back, as the Government is asserting.
9. It is important to note that the previous system was in place during periods of dramatic economic growth most notably 1959–73 and 1997–2007 when it clearly did not inhibit development.

10. As we look forward there does appear to be a growing consensus that economic growth, social progress and environmental gain need to go hand in hand. This is likely to be at the heart of any “green economy” and is fundamental to the principle of sustainable development, a principle which the Government fully endorses.

11. If any new system is to adequately empower communities and local authorities to strike the right balance and to deliver sustainable development it is imperative that it continues to value equally these economic, social and environmental outcomes.

**The Direction given by the NPPF and Wider Reforms**

12. One of our major concerns is that the Government appears to be fundamentally changing the purpose of the planning system. We are particularly concerned that in doing this the fundamental principle of maintaining a balanced planning system whereby no public benefit is given weight over another is under threat.

13. The Treasury’s Plan for Growth set the context for this clearly stating at section 1.34 that:

(i) The Government will reform the planning system radically and fundamentally and the Government will introduce “a powerful new presumption in favour of sustainable development, so that the default answer to development is yes”.

(ii) The Government will “produce a shorter, more focused and inherently pro-growth (our emphasis) National Planning Policy Framework to deliver more development in suitable and viable locations”.

(iii) “set clear expectations that with immediate effect local planning authorities and other bodies involved in granting development consents should prioritise growth and jobs (our emphasis)…”

(iv) “introduce new powers so that businesses are able to bring forward neighbourhood plans and neighbourhood development orders”.

**A Balanced Planning System**

14. The National Trust recognises that planning decisions are not always easy. Our own experience developing housing has given us first hand experience of this. This is why we believe that a strong democratic framework is so important. We have serious concerns that the NPPF will render all local plans out of date, that already overstretched local authorities will struggle to plan their areas and that a national document will in effect determine many planning decisions for years to come. We do not believe that this is what the Government intends but it is a likely outcome.

15. The National Trust also believes that the NPPF, in particular the wording of the presumption in favour of sustainable development, strongly skews the system towards valuing economic outcomes above social and environmental.

16. We believe that where no plan is in place or a plan is silent or indeterminate it will prove almost impossible to stop any development. This is because the NPPF will become the sole guiding document in any planning decision. Should a local authority refuse consent we believe that the weighting of the presumption in favour of development and the weight given to economic factors throughout the document will make it impossible to defend a refusal on appeal.

17. The Government’s argument appears to be that any decision must take into account the balance of the whole document. However if the document is by its very nature unbalanced it will become impossible to defend a refusal.

18. If the Government maintains its position in terms of how the document is to be applied it becomes even more imperative that the document has a balanced voice in respect of economic, social and environmental factors. It is only through a neutral document that people whether a parish council, planning committee or inspector can adequately weigh up the degree of public benefit.

19. This is a fundamental aspect of the NPPF which must be addressed and we recommend it become central to the committee’s recommendations to Government.

20. Should the NPPF not sustain the planning system’s balanced approach the Government’s whole basis for the operation of the NPPF and the planning system will ride on the precedent set by the result of the first appeal against refusal. This does not appear to us to be a sensible way of approaching policy making.

21. The issues around the weight of the document are compounded by other policy changes. For example, the NPPF does not currently make explicit reference to a brownfield first policy. With the dropping of this policy and brownfield targets we believe it will result in a greenfield first approach being adopted.

22. This may result because of the combined effect of the NPPF, the likely operation of the Community Infrastructure Levy and the presence of Clause 130 of the Localism Bill which again tilts the balance of the system in favour of economics through elevating the weight given to local financial considerations.
23. The National Trust believes that Clause 130 should be deleted. If Clause 130 is not removed the NPPF must tackle this through adopting an explicit “brownfield first” approach, which makes clear that new development is to be preferred on previously developed land before green field sites are considered.

A DEMOCRATIC PLANNING SYSTEM

24. The planning system at all levels must remain democratically robust and must give genuine power and choice to local people. We believe the proposals fail in two key ways. Firstly, neighbourhoods are given powers to promote more development than in local plans (para 17) but not necessarily less development as they must conform with a local plan that has been drafted with a presumption in favour of [sustainable] development.

25. We also believe it is fundamentally wrong that neighbourhood plans should be led and funded by business. We support the legitimate role business can play in supporting communities, however, it should be a core principle of the reforms that any plans whether at neighbourhood or local authority level should be developed and signed off by democratically elected and accountable representatives.

OTHER ISSUES

26. The requirement on local authorities to identify an additional 20% of land for development places should be removed. It places greater pressure on green field land, whether protected (e.g. by green belt status) or not and is unnecessary.

27. In recent months the Minister for Decentralisation has made numerous statements both privately and publicly that there will be no diminution protection for the historic environment. However, we remain concerned that the NPPF as drafted will diminish protection for these aspects of the landscape by overturning a long held convention in favour of their conservation and increasing the degree of harm to both “significant and demonstrable” that must be shown in order to outweigh the benefit of any development proposals.

Q81. Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

28. The National Trust does not consider that the NPPF gives sufficient guidance to local planning authorities, the inspectorate or investors and developers. The document when viewed alongside the wider reforms is flawed in a number of ways.

(i) The NPPF and the wider reforms appear to be changing the purpose of the planning system. This in itself is unhelpful in terms of guiding local authorities and others in running an effective planning system.

(ii) The document is confused in terms of sustainable development because the apparently good words about sustainable development in paragraphs 9 and 10 are undermined by further statements within the presumption section, the core principles and in other key areas throughout the document (see below).

(iii) Throughout the document there are undefined phrases such as “significantly and demonstrably” in paragraph 14. The words significant, great and considerable appear throughout the document with no indication as to which is to be given more or less weight.

(iv) It also remains unclear what the status of sector guidance will be. In particular it appears possible that contrary guidance could be created by different bodies. It will also be important to establish whether sector guidance will be material factors or whether the guidance will be significantly diminished in terms of weight.

Q82. Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

29. The National Trust supports the Brundtland definition of sustainable development in paragraph 9 of the NPPF. However, we would observe that the thinking on sustainable development has moved on. The UK now has a very sophisticated understanding of sustainable development which has been set out in detail within the UK Sustainable Development Strategy 2005 (UKSDS). It would be more useful for the NPPF to refer to this rather than the much older Brundtland definition.

30. Whilst the National Trust is calling for environmental, social and economic factors to be carry equal weight in planning, the UKSDS makes it clear that in fact Living Within Environmental Limits and Ensuring a Strong, Healthy and Just Society are the overarching, first order, principles of sustainable development.

31. This derives from an understanding that without respecting environmental limits we undermine the very resources upon which any economy is based.

32. Perhaps the most obvious example of where the NPPF and the Government’s wider reforms fail to adopt this approach is in the removal of brownfield targets and the lack of protection within the NPPF of grade 1 and 2 agricultural land. Given that we are likely to be faced in the future with food security issues it demonstrates just one clear example of how you might expect to see sustainable development being reflected in planning policy.
33. Economic factors within the UKSDS are dealt with as a second order principle. These are never the less important and we would draw the Committee’s attention to the fact that within the principle of Achieving a Sustainable Economy it again makes clear that this means “prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them”.

34. It seems clear to the National Trust that statements throughout the NPPF are inconsistent with the application of Brundtland or the more detailed understanding within the UKSDDS.

35. This is particularly the case in relation to the presumption in favour of sustainable development and is seen most acutely in paragraph 13 which states “Therefore, significant weight should be placed on the need to support economic growth through the planning system”.

36. There are also clear statements throughout the document that the role of planning should be to drive the economy. For example under the core planning principles section 19 bullet point 2. There are further examples such as 84 which makes a clear statement that “the objectives of transport policy are to facilitate economic growth by taking a positive approach to planning for development”. In addition to this in section 54 bullet two local authorities are told to attach significant weight to the benefits of economic factors and housing growth.

**Valuing People**

37. The National Trust believes that the unbalanced system described above will lead to unplanned sprawl and inappropriate development in both urban and rural areas, the costs of which are not only environmental.

38. The National Trust was established in 1895 because our founders recognised the social harm that was being done to individuals and communities from the effects of the industrial revolution.

39. Likewise, early planning law stemmed not from environmental legislation but from the Public Health Act of 1875. The planning system itself has never been mandated to promote growth. Its distinctive role has always been to support the delivery of these wider public benefits through integrating social, economic and environmental goals.

40. Helping to deliver really high quality places for people to live and work has never been more important. They are fundamental to our individual wellbeing. As drafted the NPPF will undermine this aspiration.

41. We are also concerned that no matter what definition is ultimately applied the NPPF document is likely to become the driving force in both plan making and decision taking. The strong presumption and weighting towards economic factors within the NPPF will combine with clause 130 of the Localism Bill, the lack of planning resources in local authorities and the operation of the Community Infrastructure Levy to mean that development will be almost impossible to resist and impossible to defend on appeal.

42. This is particularly concerning in terms of sustainable development because inherent in all definitions of sustainable development, including Brundtland, is an assumption that economic, social and environmental issues should carry equal weight.

Qu3. Are the “core planning principles” clearly and appropriately expressed?

43. The Core Planning Principles are a variation, with some significant change of tone, to the existing “Key Principles” set out in PPS 1. Although a minor point, the use of bullets does not assist practitioners when referring to the document at application/appeal/examination-in-public stages and numbering is recommended.

44. On a more substantive point, all these 10 paragraphs, with one exception, elaborate on guiding principles and objectives in a similar fashion to PPS 1 paragraph 13 and we state below why we support many of these principles.

45. However, the exception is found in the second bullet (“planning should proactively drive…..”) When applied in planning practice this will significantly distort the delivery of sustainable development as promoted by Brundtland/UK Sustainable Development Strategy and as such runs the risk of unbalancing the planning system. We urge the committee to recommend that this bullet point be deleted.

46. We particularly welcome the principle of a plan led system. We also support the statement in point 4 which emphasises potential environmental quality of land and bullet point 6 with its emphasis on encouraging multiple benefits from the use of land in urban and rural areas.

47. We also welcome the inclusion of a principle related to heritage and the environment which we believe should reflect the Minister’s statements that there should be no diminution of protection for designated assets such as listed buildings, National Park, AONBs and the Green Belt.

48. At this stage we are not convinced that we can agree protection is not diminished, see above.

49. Finally, we would observe that that the promotion of a low carbon economy is absent and a significant omission.
Qu 4. Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear?

50. The relationship between the NPPF and other national statements of planning-related policy is not clear.

51. The concise nature of the draft NPPF makes it more difficult to relate it to policy in its broadest sense, particularly if you include documents like Circulars. Planning Policy Guidance and Planning Policy Statements were far more detailed and this made them easier to relate to Circulars. They were heavily referenced to legislation, other policy documents, good practice guides etc. Whilst the Government may now regard this approach as over complicated, as professional practitioners our land use planners found this useful.

52. The National Trust believes that there is a danger that the quest for brevity may introduce inconsistencies and ambiguities with other more detailed documents and legislation. A good example of this would be the particular brevity of minerals planning guidance in the draft NPPF, where under four sides of A4 appear to replace a whole series of Mineral Planning Guidance.

53. It is also unhelpful that there is an inconsistent approach to the way in which minerals and waste planning are treated even though they are inextricably related in practical terms. Whilst minerals are covered, waste planning is basically ignored and appears to be left to the National Waste Management Plan. This difference in approach is illogical and unhelpful.

Qu 5. Does the NPPF serve to integrate national planning policy across Government Departments?

54. The National Trust is engaged in the development of a very wide range of policy from volunteering, corporate and other giving to heritage and the natural environment. It is very clear to us that the NPPF does not currently serve to integrate Government policy.

55. The best example of this is in relation to the natural environment and the recent publication of the Government’s Natural Environment White Paper.

56. The National Trust has welcomed the publication of the Natural Environment White Paper (NEWP). It sets out an ambitious vision for the future of nature, is appropriately broad in scope, and firmly repositions nature as central to economic and social interests.

57. However, delivery of the NEWP will require effective action across Government and thus far the NEWP seems to have gained little traction beyond Defra. The National Planning Policy Framework (NPPF) is a good example of this. In promoting economic interests above all others, the NPPF fails to recognise the role of a healthy natural environment in good growth.

58. The NPPF makes no mention of the new Nature Improvement Areas (NIAs). Neither does it refer to the new Local Nature Partnerships. The National Trust fought hard for LNPs to be established as a fundamental part of the new planning system. This is because we recognise the need for further bodies to support the duty to cooperate in relation to strategic planning. The NPPF should make clear the relationship between it, LNPs and Local Enterprise Partnerships (LEPs). This would help overcome some of the current uncertainty around how strategic planning and delivery will work in terms of both economic and environmental outcomes.

59. We also question whether the NPPF is consistent with a localist approach and the principles of the Big Society. If the NPPF were to become for any length of time the principle plan making and decision taking document in the system this would clearly run counter to a localist approach.

60. We would also observe that the Government’s intention is to allow businesses to bring forward Neighbourhood Development Plans (NDPs) and to make Neighbourhood Development Orders (NDOs). Whilst we fully recognise that business has a legitimate and potentially very useful role to play in supporting communities in the development of NDPs and NDOs we think the ability of businesses to lead the process is fundamentally wrong.

61. In order to fulfil a truly localist philosophy which supports sustainable development, NDPs, NDOs and the processes by which they are derived should be owned by communities and decisions should be taken only by democratically elected representatives. We can see no reason why this should not be the case since it appears to be entirely consistent with the Government’s stated aims of devolving power and delivering a Big Society.

Qu 6. Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

62. We support the statements in the NPPF around coordinating across boundaries however we do have concerns about the mechanism currently being established to facilitate the duty to cooperate. Our principal concern relates to the implementation of LNPs which we highlight above.

Qu 7. Are the policies contained in the NPPF sufficiently evidence-based?

63. The Committee is likely to receive more detailed responses on this question from other organisations. However we would observe that there are a number of areas where the NPPF does not appear to reflect the latest thinking. For example there is an emphasis throughout the document on protecting designated areas
whether in terms of the built or natural environment. However, in areas such as ecosystem services which would cover biodiversity, carbon storage etc the latest thinking highlights the important role that all land has to play in this respect. The Government is therefore missing an opportunity to ensure that the planning system reflects the latest thinking on these critical issues.

64. A further obvious omission is any reference to the protection of grade 1, 2 and 3a agricultural land. Given that food security is likely to be a significant issue in the future this appears to reflect not only a lack of evidence base but might also be seen as another failure to join up cross departmental issues.

65. We also have deep concerns about the allocation of an additional 20% of land for housing. We believe this unnecessarily puts further greenfield sites as risk with little or no benefits. Whilst we support the principle that housing allocations should be based on demand and that targets are required, local authorities, through the Strategic Housing Land Availability Assessment, already plan 5–15 years in advance. The one extra year supply will serve no real purpose in planning practice but will place additional land at risk.

KEY ASKS

66. The Planning system is not a tool to promote the economy. Its guiding principle since 1947 has been that planning acts in the public interest. It exists to protect important public goods (landscape, natural and historic environment), not to “proactively drive” development (para 19). The NPPF should be rewritten throughout so that it is neutral in tone balancing economic, environmental and social concerns.

67. Clause 130 of the Localism Bill should be removed. By privileging financial inducements within the decision making process Clause 130 upsets the careful balance within the planning system and may bias local authorities inappropriately. This would not prevent developers from funding local mitigation of development impact such as a Community Infrastructure Levy, which is perfectly appropriate.

68. The “presumption in favour of sustainable development” is poorly defined and serves to unbalance the planning system. The core principle of sustainable development in planning is that decisions are made in an integrated way, with no single objective being given undue weight. When this is done, good development will be directed to the right place. When it is not, bad development will result. The document needs redrafting to reflect this principle throughout.

69. The default “YES” will lead to bad development and must be removed. The NPPF tells us that decision-takers should assume that the “answer to development proposals is ‘yes’” (para. 19) and that local authorities should “grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date” (para 14). At present 47% of the country has no core strategy. This will result either in inappropriate development being given consent, or more decisions being overturned on appeal, leading to bad developments and the disenfranchisement of local communities and their democratically elected representatives.

70. The NPPF should adopt an explicit “brownfield first” approach, which makes clear that new development is to be preferred on previously developed land before green field sites are considered. The Government has dropped the brownfield targets, but it has not replaced them with a clear enough statement of the importance of using previously developed sites first.

71. The requirement on local authorities to identify an additional 20% of land over and above a five year housing land supply should be removed. We do not need to do more than meet a five year demand, and this will result in greater pressure on green field land, whether protected (eg by green belt status) or not.

72. Neighbourhoods should not be told they must support local development or encouraged to promote more development than is in the local plan—this should be removed. The planning system at all levels must remain democratically robust, and must give genuine power to local people.

73. It is fundamentally wrong that neighbourhood plans should be led and funded by business. It should be a core principle of the reforms that any plans whether at neighbourhood or local authority level should be developed and signed off by democratically elected and accountable representatives.

74. The NPPF should ensure that there is no reduction in protection for the historic and natural environment. These are commitments that Ministers have previously made but the NPPF as drafted will diminish protection for these aspects of the landscape by overturning a long held convention in favour of their conservation and increasing the degree of harm that must be shown in order to outweigh any development proposal.

75. There should be a limited third party right of appeal, in circumstances where consent is granted for development that is inconsistent with the plan. This should be guaranteed through the Localism Bill.

9 September 2011
Written evidence from the Planning Officers Society

SUMMARY OF MAIN POINTS

— We foresee a range of difficulties for individual authorities in setting housing figures that: win the support of local communities while also complying with Government policy; deal satisfactorily with the question of migration and respond to the Framework’s expectations for affordable housing delivery;

— Existing Green Belt policy is restated with only detailed changes. This represents a lost opportunity to revisit and refresh this 60-year old policy in the light of the changed world in which it now operates;

— The new regime is based on a definition of “sustainability” that seems very strongly biased towards economic considerations. We fear the question “what is sustainable?” could become a major debating point and an obstacle to progress. We propose an approach that uses localism to reduce uncertainty on the matter;

— The Government’s mixed message, about localism versus centrally-driven policy objectives, is perpetuated in this document, with little or no acknowledgement of the importance of localism as an element of national planning policy;

— The duty of authorities to cooperate on strategic matters needs further strengthening, if joint working at a local level is to be an effective replacement for the loss of the strategic tier of planning. The Society will be coming forward with detailed proposals,

Does the NPPF give sufficient guidance?

1. The Society acknowledges the heroic efforts that have been made to condense national policy, but the removal of over a thousand pages of guidance, plus the disappearance of an entire regional tier of policy, will inevitably leave gaps that will need filling (for example, by good practice guidance). The Government has indicated that it is not generally in the business of producing such guidance, but the Society (no doubt along with other bodies such as the RTPI and the TCPA) is willing to play an active part in its development, where most needed.

2. In this context, the role of the Framework should, at the very least, be: (a) to acknowledge (as it does in the accompanying impact assessment) that organisations like ours are a legitimate source of supplementary guidance, where needed and (b) to lay down broad guidelines for its preparation and validation. With regard to these, we believe it should be: cross-sector, prepared with the collaboration of the key agencies and representative bodies; should be subject to consultation with the wider planning community; and that there should be agreed methods for self-accreditation and regular review.

3. In its response to the Framework consultation the Society has identified a number of areas where complementary good practice guidance would be appropriate. Once we have seen the final form of the Framework, we and other key stakeholders will be in a better position to identify where gaps exist, what the priorities are, and to agree a process and a demarcation of labour for filling them.

4. Housing requirements: The housing requirements section (28) appears to be internally contradictory. On the one hand it talks of the plan (though the Strategic Housing Market Assessment) catering for the needs of the “local population”. In the very next line, it talks of the plan also having regard to needs arising from migration. It is of particular concern to us to know how plans are supposed to have regard to migration in the absence of any strategic context for it. The only basis we can see for doing it is by assuming a perpetuation of past trends in migration, which would not provide a basis for promoting new directions of growth where these are needed. Nor is it in our view realistic to expect groups of local authorities, even acting in good faith on the duty to cooperate, to come up with major proposals on the scale of new or expanded towns, if these were needed. The paragraph also alternates between meeting housing need and housing demand. We would strongly oppose any model based on meeting demand. In large parts of the South East (and elsewhere) local demand far exceeds anything that, with the best will in the world, could realistically be delivered.

5. The Framework generally needs to be clearer about what it means by meeting the full housing requirement (109) since, with the revocation of regional strategies, each planning authority will have to establish the requirement for itself. The first of the bottom four bullet points on page 30 talks of meeting the full requirements for market and affordable housing. In many parts of the south of England, even if the authority’s full housing allocation could be delivered as affordable, it would not be possible to meet forecast demand for such accommodation. For many such authorities, fully meeting that demand would be economically undeliverable and environmentally unacceptable. It may be better for the Framework to speak of meeting affordable housing need as being what authorities should aspire to, subject to local circumstances.

6. The Green Belt policy (133–147) appears simply to perpetuate existing policy. As originally conceived over half a century ago, Green Belt was only half of a policy, the other half of which was the series of new and expanded towns that were to be developed outside of the Green Belt to relieve development pressure inside it. Now that those towns have been largely built out, it seems an appropriate time to look at the continued operation of the remaining half of the policy. We have for years been promised a review of that policy, and this may be seen as a lost opportunity (albeit recognising the difficult issues such a review might raise).
should not be taken as the Society advocating a wholesale retreat from Green Belt, but rather as an opportunity
to refresh the rationale for and operation of Green Belt, in a situation where circumstances are markedly
different from those in place when it was originally introduced.

Is the definition of sustainable development appropriate and is the presumption in favour workable?

7. Whilst nobody would (presumably) object to the principle of sustainable development, we are concerned
that there will be many different interpretations of what constitutes sustainability, and that this will prove to be
a fruitful source of delay and confusion at appeals and other planning examinations. Few developments will
score equally high (or low) against all three of the sustainability criteria set out in paragraph 10 of the
Framework, and the relative weighting that one attaches to these could lead to very differing views on the
sustainability of a particular scheme. It should be self-evident that this weighting will be different in a National
Park, compared to, say, an inner city regeneration area and this leads us to the view that there should be scope
for some local nuances of the national definition. In this, local authorities would be able to flesh out the
national policy in the light of local circumstances and thus at least limit the scope for repeatedly debating
different interpretations. Note that this is not intended to involve the introduction of a plethora of local policies,
but merely to show how national policy could be applied flexibly at a local level. The requirement to
accompany a plan with a sustainability appraisal already allows an authority some scope to do this, but it
would be helpful if the Framework at least acknowledged this role for the local authority, and that it should
appear in the local plan itself. Not least, such an approach would be in accord with the Government’s policy
of localism. As the Framework stands, references to sustainability in it tend only to relate to its economic
dimension, which seems some way removed from the more balanced Brundtland Commission definition, from
which it is derived.

8. At the same time, the framework might usefully make clearer the alignment between the environmental
objectives of sustainability and its economic importance. As the foreword to the Government’s own Carbon
Plan points out: This Carbon Plan sets out a vision of a changed Britain, powered by cleaner energy used
more efficiently in our homes and businesses, with more secure energy supplies and more stable energy prices,
and benefitting from the jobs and growth that a low-carbon economy will bring. Making this link more explicit
would give greater coherence to the rationale of the Framework. This same point might also usefully be
reinforced in the section on planning for prosperity.

Are the core planning principles clear and appropriate?

9. Clear yes, appropriate no. There is an underlying tension between the Government’s national aspirations
for the planning system (paragraph 19) and the principle of localism. Whilst we understand that this is a
national policy framework, nowhere in these principles does there seem to be even an acknowledgement of
any role for local discretion. The core principles should recognise the importance of localism to planning and,
so far as is necessary, clarify its relationship to national policy objectives. The underlying assumption seems
to be that, once the national policy objectives have been put into place, communities will fall in behind them
and be happy to take whatever residual decisions are needed to secure their implementation, in the name of
localism. The Society’s extensive contacts with local communities throughout the country lead us to believe
that this will by no means always be the case. The Government has been critical of the imposition of a regional
growth agenda on local communities, and the resentment that this has caused. We are not convinced that what
the Government intends to be an even higher-growth agenda, imposed nationally rather than regionally, will
be any more easily accepted, even allowing for the financial and other incentives they intend to offer
communities to accept growth. Opinion surveys have shown that there is a much greater prospect of achieving
consensus on the general principle of providing more housing than is ever possible in getting agreement on a
specific proposal that it should be provided in a particular location.

Is the relationship between the Framework and other national policy sufficiently clear?

10. Nowhere in the Framework does there appear to be any acknowledgement that planning is about more
than the use of land—that it is spatial (that is, having a wider concern for how places work). Perhaps because
of this, linkages between planning and other areas of related policy tend to be poorly developed or absent from
the Framework.

Do the NPPF and the “duty to cooperate” give a sufficient basis for strategic planning?

11. No. Whilst we welcome the strengthening of the duty to cooperate that has emerged during the passage
of the Localism Bill, we do not believe it has gone far enough to address adequately the gaps left by the
abolition of regional strategy (44). We are therefore seeking a duty for local authorities to prepare Strategic
Infrastructure Assessments (SIAs). An SIA would be a simple, transparent process to ensure that strategic
issues such as infrastructure, economic development, housing and the environment are managed in a co-
ordinated way by local authorities and with partners, and ensure that these are properly addressed through the
statutory planning system. Whilst this measure was not incorporated into the Localism Bill itself, it may be
more appropriately introduced through policy. Lest they be seen as an alternative solution to the problem, our
contacts with Local Enterprise Partnerships up and down the country lead us to doubt whether most of them
will have the resources, the expertise or the statutory powers to engage in strategic planning (in relation to infrastructure or generally) in any meaningful way

12. **Collaboration and conflict resolution**: The sections of the Framework dealing with planning strategically and collaborating (45–46) seems to presuppose that there is always a consensus waiting to be arrived at. The reality is that some (possibly many) strategic issues will not be readily resolved. The Framework should at least acknowledge this, and place a duty on authorities to take all reasonable steps to resolve any impasses thrown up by strategic issues. It (or supplementary good practice guidance) might also consider what is to be done in the event of such an impasse.

**Are the policies in the NPPF sufficiently evidence-based?**

13. One of the biggest untested assumptions in the Framework is referred to in our paragraph 8, and relates to the willingness of communities to deliver the amounts of growth the government wants to see, incentivised by Community Infrastructure Levy, the New Homes Bonus and the new freedoms promised by localism. We have seen plenty of examples of communities which are willing to spend considerable sums of their own money to prevent development, and we are not necessarily convinced that the new incentives will lead to a sudden dramatic reversal of public opinion.

14. We also have a more general concern, which seems to underlie not just this document, but much of the Government’s thinking on planning. This is their perception of the impact that planning has, which we do not believe is supported by any serious body of evidence. Whilst you would expect the Society to regard the planning system as important, it is possible to over-emphasise its impact (and, in particular, to over-state any negative effects it is claimed to have on the economy). A Parliamentary Select Committee was set up in 2003, in response to claims by the CBI during scrutiny of the earlier planning green paper, that the planning system was a major impediment to business. (The CBI’s claims, made in oral evidence, were found to be unsubstantiated, and the committee looking at the planning green paper described them as based on “anecdote and prejudice.”) The Select Committee’s conclusion was as follows:

“Claims that planning damages the nation’s competitiveness seem to have been made without evidence. The evidence that we have received suggests that businesses generally support the planning system and seek a number of changes in implementation, which do not necessarily require legislation. The best local authorities already run their planning departments in proactive, responsive ways and if the resources are put into place, such approaches can be adopted by others.”

15. As part of that Select Committee’s work, they commissioned consultants Roger Tym and partners to undertake a literature review. This concluded that “There is no evidence that planning is a significant explanatory factor for the UK’s low productivity compared to its main competitors.” That this is still the case is supported by the fact that 86% of all planning applications decided in 2010–11 were approved, the great majority of them within the statutory time periods. The issue of applications delayed for over a year, to which the Government has recently devoted a good deal of attention, relates to a fraction of 1% of all applications, and the reasons for those delays by no means always lie at the door of the local planning authority. Whilst we are not complacent about these figures, and are always keen to explore ways of further improving them, we do not believe that they show a system in crisis, fundamentally impeding national recovery, as is sometimes portrayed.

8 September 2011

**Written evidence from the Local Government Group (LG Group)**

1. **Introduction**

1.1 The Local Government Group (LG Group) is here to support, promote and improve local government. We will fight local government’s corner and support councils through challenging times by making the case for greater devolution, helping councils tackle their challenges and assisting them to deliver better value for money services. www.local.qov.uk

1.2 This written evidence submission has been agreed by the LG Group’s Environment and Housing Programme Board. The Environment and Housing Programme Board has responsibility for LG Group activity in the area of the sustainability of the environment, including issues of planning, waste and housing.

2. **Summary**

2.1 The LG Group has long argued for reform of national planning policy guidance and a radical reduction to the volume, complexity and prescription of the current system.

2.2 We applaud central government for simplifying, removing prescription and making planning more locally responsive.
3.3 We welcome the National Planning Policy Framework’s (NPPF) focus away from centralised guidance onto clear, up-to-date and well-evidenced local plans developed by Local Planning Authorities (LPAs), that respond positively to opportunities for sustainable growth, wealth generation and employment.

3.4 Local plans are the only valid way to deal with the risks and opportunities ahead. They are crucial to ensuring people are engaged and consulted on the future of their communities and therefore to gaining support and acceptance of development locally.

3.5 We support the emphasis placed on LPAs collaborating with each other, and with other public bodies including county councils and Local Enterprise Partnerships (LEPs), to understand and plan for the wider economic and housing market areas of which they are a part.

3.6 The LG Group is very clear that the final NPPF should replace all existing national planning guidance, as far as possible. Government should make clear what, if any other statutory guidance is required or intended to sit under the final framework. Where there is strong consensus around the need for some common approach amongst stakeholders, then we believe the appropriate sector groups working together can help decide what appropriate “guidance” is.

3.7 In terms of planning for growth, Local authorities also share the ambition of delivering high-quality new housing and development for their areas. It is clear that the top down regionally imposed targets have failed to deliver. To deliver new development it is essential that the funding for infrastructure and consideration of the wider social, economic outcomes are identified and secured. This will only happen if LPAs have sufficient local leverage.

3.8 We are concerned that the three pillars of sustainable development (economic, social and environmental) are not given equal weight throughout the remainder of the draft and overall the framework is undermined by heavy weighting towards the financial viability of new development.

3.9 The final NPPF must ensure that the three pillars of sustainable development as set out at the beginning of the draft (paragraph 11) are equally balanced throughout the whole document so that councils can achieve environmental and social benefits for their communities as well as economic outcomes.

3.10 The LG Group is keen to ensure that the final drafting of the “presumption in favour of sustainable development” (“the Presumption”) and “viability” sections gives better protection for local discretion by local decision makers.

3.11 At present the drafting of “the presumption” is undermined by heavy weighting towards ensuring that new development is financially viable. There is less recognition throughout the draft that to ensure such development is sustainable, sometimes additional costs will have to be borne by the development. It is essential that only true sustainability is approved, and the final NPPF needs to make clear that sustainability must always trump the need to reduce costs to ensure viability, not the other way round.

3.12 The core planning principles in final framework should also include an explicit and unequivocal reference to localism and the discretion this gives to local communities. The purpose being to encourage the delivery of developments that satisfy local as well as national needs, and control the effects of development that work against those needs and wants.

3.13 Coupled with this, there is often a widespread desire for local communities to have more of a say on the sustainability of their shopping parades, district town centres and high streets. The vitality of these places depends on local areas having access to the necessary tools to shape their locality in a way that reflect local needs and priorities. Reform to the planning policy landscape must better allow this.

3.14 Finally, it is clearly vitally important that councils have a realistic chance of getting up-to-date plans in place before “the presumption” comes into force. The process and timescales for having plans approved or certified in conformity with the NPPF must be simple and streamlined. The final framework must ensure there is space for localism and innovation.

3.15 The LG Group is working closely with the Coalition Government ministers and officials and key stakeholders to ensure this NPPF genuinely promotes local choice and flexibility.

3. Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers?

3.1 The LG Group has supported the production of a clear and concise framework that boils over 2,500 pages of planning policy, circulars, guidance notes and statements, into less than 60 efficient and concise pages.

3.2 We believe a simple national core framework offers many advantage to individuals, neighbourhoods, LPAs and developers, in terms of better transparency and comprehension.

3.3 The draft document’s brevity and lack of detailed guidance has alarmed some commentators, however the LG Group has welcomed the focus away from centralised guidance onto Local Plans developed by LPAs.
3.4 We also welcome the emphasis placed on LPAs collaborating with each other, and with other public bodies, including county councils and Local Enterprise Partnerships (LEPs) to understand and plan for the wider economic and housing market areas which they are part of.

3.5 There is clearly a case for an effective policy framework to be put into place to deliver high quality development (and associated infrastructure) in the right location, at the right time, to meet local demand. However, the final drafting of the section “on significantly increasing supply of housing” will need to be clearer, in order to deliver on this. For example, the wording of paragraph 109 in particular “additional allowance of at least 20%”, has caused some concern amongst our membership particularly those with recently adopted plans, as this could potentially render current local authority projections out of date. There must be a clear and transparent sequence on exactly when and how this additional allowance comes into play.

3.6 We believe that where there is strong and specific consensus around the need for common approach amongst stakeholders, then appropriate sector groups working together should define and lead any “guidance” on that approach. The LG Group is already involved in various working groups on common approaches and sector assistance.

3.7 To respond to this of supporting viable growth and high standards in home building, the LG Group, Planning Officers Society (POS) and House Builders Federation (HBF) have collaborated on the Local Housing Standards and Delivery Group (LHSDG). This group will seek to establish a voluntary framework to help local authorities fulfil their obligations under the new NPPF and to simplify housing standards where possible. The work streams will draw on the experience of a mix of organisations from public and private sector.

3.8 Councils will also be required to consider gypsy and traveller site provision in drawing up their local plans. The LG Group and Planning Advisory Service (PAS) are developing a support programme aimed at helping councils find locally acceptable approaches to this.

3.9 The final aim of each these programmes is to look for particular collaborative approaches and/or methodologies that could be acknowledged (but not explicitly insisted on) by central government as good practice because of the way it has been produced. To successfully take this agenda forward it is essential that central government clarifies:

(i) What remains in terms of statutory guidance or regulation, including circulars, guidance notes and statements and;

(ii) Where—if anywhere—they will maintain an interest in resourcing or quality-assuring guidance.

4. Does the NPPF give local communities sufficient power over the planning decisions?

4.1 In terms of sufficient local power over planning decisions, the LG Group would register concern in two key areas:

(i) “The presumption in favour of sustainable development” (paragraph 14); and

(ii) The drafting of the viability sections (paragraphs 39 and 70).

4.2 Understanding “sustainable development”

4.2.1 As a sensible starting point, we are pleased to see the definition of sustainable development within the draft NPPF, based on definition within Planning Policy Statement 1 (PPS1), which itself is based on the internationally accepted Bruntland Commission definition.

4.2.2 With the Planning and Compulsory Purchase Act 2004 and additional requirements of the Planning Act 2008, this has developed into sustainable development that recognises that economic growth, social welfare and environmental issues are linked and must be addressed together.

4.2.3 LPAs have vast experience of embedding such principles into their own plan-making. Tools such as the Strategic Environmental Assessments (SEA) help LPAs gauge the likely environmental, social and economic impacts of particular proposals. This process is integral to local authority plan-making and remains an important part of the local plan evidence base.

4.2.4 In terms of planning for growth, we would expect local authorities to be very positive about well-conceived development that bring employment and growth opportunities and only exceptionally would raise any objection. We also recognise that the imperative to get the economy on its feet and it is important that planning responds positively to growth opportunities.

4.2.5 The final NPPF must ensure that the three pillars of sustainable development (economic, social and environmental) as drafted at the beginning of the draft (paragraph 11) are equally balanced throughout the whole document so that councils can achieve environmental and social benefits for their communities as well as economic outcomes.

4.2.6 LPAs must retain reasonable leverage to make decisions and secure multiple benefits based on locally determined sustainable development priorities. This is important to the long term success and sustainability of places and to making development acceptable to local communities.
4.3 Understanding “the presumption”

4.3.1 At least as important as defining sustainable development is understanding what is meant by “the presumption”.

4.3.2 The draft expects each local plan to reflect “the presumption” (paragraph 110), however a binding presumption which does not give room for local discretion by local decision makers, does not sit comfortably with localism.

4.3.3 What central government must not do, is set “the presumption” in such a way that it enables developer to argue that their proposals should go through even if they are not compliant with the local plan; or objectors to challenge proposals which are.

4.3.4 Our support for the principle for “the presumption” in the draft NPPF is therefore qualified by three important caveats:

(i) “The presumption” should not arbitrarily overrule the local plan ie there must be a clear and transparent sequence on exactly when and how this presumption comes into play. For example, we would not expect that local plan that has been certified in conformity to the NPPF to be perpetually subject to the default national presumption.

(ii) LPAs must retain reasonable leverage to make decisions and secure multiple benefits based on locally determined sustainable development priorities. “The presumption” should not simply override a LPA’s legitimate right to refuse development in circumstances where there are compelling material planning considerations to do so.

(iii) It is clearly vitally important that councils have a realistic chance of getting up-to-date plans in place before “the presumption” comes into force. The process and timescales for having plans approved or certified in conformity with the NPPF must be simple and streamlined.21

4.3.5 This is important to the long term success and sustainability of places and to making development acceptable to local communities.

4.4 Understanding “viability”

4.4.1 Another area for concern is around the wording of the viability sections. Taking paragraphs 39 and 70 together, the current definition appears to solely address the question of whether development is viable for the developer.

4.4.2 We believe that this would be self-defeating. It is right therefore LPAs retain reasonable leverage to secure realistic contributions from developers to fund infrastructure and deliver the benefits need to make a scheme viable for the local community. Moreover, especially in circumstances where only a limited supply of land for development is available, LPAs will need to ensure an appropriate level of affordable housing is included in development.

4.4.3 Furthermore, failing to properly address issues such as carbon reduction, the resilience of new development to extreme weather, overstressed infrastructure or the ability to reflect the needs of specific community groups (eg homeless, Black Minority Ethnic, first-time buyers, people with disabilities, older people, gypsy and traveller, key workers etc) will simply impose wider costs on society. The final NPPF should not provide a means for developers to avoid reasonable contributions to addressing these issues.

4.4.4 We call for a shift of emphasis in the final framework, where if technical feasibility and “acceptable returns” are genuine obstacles, then the onus should be on the development applicant to provide evidence in a form that can be tested by the LPA. The key point is that the sustainability of new development should not be subject to being “negotiated away”. In this sense viability must work both ways.

5. Are the “core planning principles” clearly and appropriately expressed?

5.1 It is important for the NPPF to establish certain principles and to address key topics from the national perspective, and we therefore support the inclusion of the core planning principles.

5.2 The real test is whether or not the document as a whole sufficiently enables LPAs to incorporate these principles into their local plan and decisions, whilst also reflecting local circumstances, needs and priorities.

5.3 As highlighted earlier, the LG Group is keen to ensure that the final drafting of the presumption in favour of sustainable development and viability sections gives better protection for local discretion by local decision makers.

5.4 Without explicit safeguards within the document, this runs the risk of rendering many of the principles unworkable in practice. The core planning principles in final framework should include an explicit and unequivocal reference to localism and the discretion this gives to local communities. The purpose being to encourage the delivery of developments that satisfy local as well as national needs, and control the effects of development that work against those needs and wants.

21 See Paragraph 10 of this written evidence submission for more details on our views on NPPF transition arrangements.
6. Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

6.1 We would not expect the NPPF to contain spatial guidance, but would instead support the National Policy Statements (NPS) remaining in place for linear and non-linear national infrastructure.

6.2 We expect the final NPPF to adequately explain the relationship to the planning system of the various NPS on major infrastructure. This would also state that local plans would need to take full account of those NPS where relevant.

7. Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

7.1 The “duty to cooperate” mooted in the Localism Bill is given a very strong emphasis in the draft NPPF.

7.2 The LG Group acknowledges that some issues—waste, energy, infrastructure, housing, flooding—are just too big to be dealt with by one authority. We therefore support the emphasis placed on LPAs collaborating, with each other, and with other public bodies including county councils and Local Enterprise Partnerships (LEPs), to understand and plan for the wider economic and housing market areas of which they are a part.

7.3 However we do not believe that government needs to prescribe in national legislation or guidance the exact processes to be adopted by Local Planning Authorities, beyond these broader outcome-based principles.

7.4 We are aware that some local authorities and the Planning Officers Society (POS) would prefer stronger requirements, but this is not the corporate view of the LG Group.

7.5 There are numerous examples of councils working together across areas to plan for strategic priorities. For example, Shared commissioning of an evidence base, cross-boundary strategic housing market assessments (SHMA), aligned core strategies, Joint planning unit (JPUs), Planning Committee for example and combined waste plans.

7.6 The LG Group is working with councillors and senior officers through our Leadership Academies and other mechanisms to encourage authorities to cooperate in a manner that works locally and develop strategic plans that provide clarity and certainty for investment.22

7.7 LG Group are delivering a series of regional events for councillors elected in 2011, centred on the Localism agenda. This is part of the LG Group’s core offer to councils on member development, in partnership with the regional employers’ organisations and regional local government organisations.23

7.8 The LG Group is already involved in various working groups on common approaches and sector assistance!24 There is also a strong desire amongst our member authorities to compare key performance data with other areas, and we are working with councils to develop a sector-owned approach to self-regulation and improvement.

7.9 We believe that there is strong and specific consensus around the need for common approach amongst stakeholders, then appropriate sector groups working together should define and lead any “guidance” on that approach.

7.10 For example, the LG Group, Planning Advisory Service (PAS), together with the Chartered Institute of Public Finance and Accountancy (CIPFA). CIPFA have developed a no-profit, no-cross subsidy model of planning fee calculation will allow local authorities to share information and benchmark to drive performance standards.25

8. Are the policies contained in the NPPF sufficiently evidence-based?

8.1 Much of what is contained in the NPPF is based on current (but more concisely expressed) national planning policy. Looked at this way, perhaps the most important outcome is whether or not the document as a whole sufficiently enables LPAs to incorporate these principles into their local plan and decisions, whilst also reflecting local circumstances, needs and priorities.

8.2 As highlighted earlier, the LG Group is keen to ensure that the final drafting of “the presumption” in favour of sustainable development and viability gives better protection for local discretion by local decision makers.

8.3 This is why the LG Group has stressed it is vitally important that councils have a realistic chance of getting up-to-date plans in place before “the presumption” comes into force. The process and timescales for having plans approved or certified in conformity with the NPPF must be simple and streamlined.

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22 See www.local.gov.uk/leadership-academy
23 See www.local.gov.uk/development-programmes-for-councillors
24 See Paragraph 3.6 of this written evidence submission for examples of these working groups.
25 See PAS Planning benchmarking club and planning fees www.pas.gov.uk/pas/core/page.do?pageId=589910
Other Areas

9. Promoting the vitality and viability of town centres

9.1 The draft NPPF requires local planning policies to be positive and promote competitive town centre environment (paragraph 76) and retains the sequential test for retail and leisure use.

9.2 LG Group are keen to ensure that that the final framework taken as a whole does not water down that LPA’s discretion on this issue, as this could lead to an increase in stand-alone retail developments at the expense of our shopping parades high streets and district town centres.

9.3 Various local authorities have highlighted the problem of over saturation of a particular kind of store in their locality, and have specifically cited the limited tools available to shape their area in accordance with the wishes of local people. This can hamper the High Streets’ offer, creating clone towns with reduced capacity to compete with out-of-town shopping centres and supermarkets that are increasing the array of products they offer.

9.4 Liverpool, Hackney, Oxford City and Islington Councils all submitted proposals under the Sustainable Communities Act26 which sought to provide local areas with greater flexibility through the planning and licensing regime to prevent over saturation and clustering. Hackney, for example has over 60 betting shops with several streets having three, or more, some even opposite each other.

9.5 Local authorities need greater powers to develop competitive High Street economies offering a mix of popular brands and independent stores in a way that reflects local need. A key localist principle is that local areas should have the tools available to shape their locality to reflect needs and priorities of residents and businesses.

9.6 The LG Group and the Planning Officers Society (POS) have proposed that the government could support councils to respond to local concerns through amendments to existing tools to make them more usable and through the forthcoming National Planning Policy Framework. Specifically, we propose that the government should seek to enact change through the following mechanisms:
(i) A strong policy steer in the National Planning Policy Framework in favour of change of use.
(ii) Encouraging wider use of local development orders (LDOs) by removing the requirement to seek approval from the Secretary of State.
(iii) Removing disincentives to the use of Article 4 directions by addressing the requirement for local authorities to pay compensation.
(iv) Encourage use of Neighbourhood Development Orders by removing unnecessary prescription involved in neighbourhood planning through the Localism Bill.27

10. Transition

10.1 The draft gives a strong hint that LPAs may be at risk if their local plan is not in conformity with the NPPF and suggests that local authorities may wish to seek a certificate of conformity with NPPF (paragraph 26).

10.2 The LG Group strongly believe transition arrangements should be viewed in the context of allowing LPAs a reasonable chance to get a plan in place or revise existing plans to bring them up-to-date. Creating a whole new tier of inspection bureaucracy that bottlenecks delivery is counter-productive for everyone.

10.3 We are concerned that many local authorities will be under extreme pressure to have local plans in place, and this in turn will place major burdens on Planning Inspectorate (PINs) at a time when the system will be being “tested” by developers and also under pressure to deliver on the “Planning Guarantee”.28 Local Authorities therefore need assurance that there is sufficient capacity within PINs to resource the very many examinations which will be needed to occur within a short time-frame.

10.4 There are many ways this could develop. For example:
(i) For example the final NPPF could stipulate for plans already in place, councils should be able to submit them to the planning inspectorate for certification and use them as a basis for decision making until or unless PINs decides not to certify them.
(ii) Alternatively, the final NPPF could be read in such a way that it deemed compatible with Local Plans, unless the local plan is clearly contrary to NPPF, in which case the NPPF takes precedence. This might in some cases might render obsolete the need for certificates of conformity.
(iii) Equally, NPPF would need to clarify how councils will be expected to reflect future changes to national planning policy once they have a sound plan in place. We would recommend that they are not required to repeat the certification process, but make adjustments to local plans to reflect national policy during the lifetime of the plan (as happens at the moment).

26 See The Sustainable Communities Act: shortlist of proposals made under round one ( LGA ) December 2009 www.local.gov.uk
27 See LG Group and POS response to CLG Use Class Order Call for evidence (31 August 2011) www.lcla.gov.uk/planning
28 See LG Group and POS response to CLG Consultation on Planning Guarantee and Information Requirements (31 August 2011) www.lqa.gov.uk/planning
10.5 In any scenario, we must ensure the future transition is simple and straightforward, it should not mean having to slow down or start again. The LG Group is working with key partners on developing some practical and proportionate solutions on how to achieve this.

October 2011

Written evidence from the Football Association

This submission is The Football Association’s response to the call for evidence from The Communities and Local Government Committee on the draft National Planning Policy Framework.

If the Committee would like any further information, please feel free to contact Robert Sullivan, Head of Public Affairs for The FA Group, whose contact details are included in our introductory letter.

1.0 Introduction

The Football Association (The FA) is the governing body for football in England. It takes the lead in providing a framework for English football and is responsible for regulating, promoting and developing the game at every level, both on and off the field. Every month nearly seven million people play some form of the game including 3.9 million children. There are 131,000 FA-affiliated teams playing in over 1,200 leagues with over 400,000 volunteers helping the game run smoothly. As football’s national governing body, The FA aims to ensure that everyone can have the chance to be actively involved in football in a safe, positive, high quality environment where they are given the appropriate support to be the best they can.

In 2008 The FA launched its National Game Strategy which sets a series of challenging targets for the development of the grassroots game; this work is supported by an FA-led investment programme covering all aspects of the game. A significant element of this investment has been directed towards facilities, mainly through the Football Foundation. The Football Foundation was established in 2000 as a charitable vehicle dedicated to the delivery of improved programmes and facilities within the grassroots game. It is funded by three partners, The Premier League, Sport England and The FA who through their combined investment have secured projects with a total value of close to £1 billion over that period. It continues to be a significant contributor to grassroots facilities.

Latterly, the Football Foundation has concentrated on capital/facility improvements reflecting a growing demand within the grassroots game for improvements to facilities and the development of new facilities to support growth.

Football’s grassroots game is very heavily dependent on publicly owned and managed facilities. Over 84%,29 of football is played on publicly owned playing pitches/facilities. Consequently, The FA has always taken a very close interest in planning policy as any changes have the potential to impact significantly on the game at community level.

Over the past decade, playing fields have enjoyed some protection from planning applications through Sport England’s role as statutory consultee for all planning applications impacting on wider sporting provision. The FA has fully supported Sport England in this role and currently works very closely with Sport England planners to ensure that grassroots football’s interests, wherever possible, are protected.

This robust and public-centred defence of playing fields has been welcomed across grass-using sports and the public alike, but it has only been made possible through a strong Government-led position seeking to secure the protection of public playing fields. It is The FA’s view is that there has to be a robust assessment of developments impacting on sports facilities. This is currently carried out by Sport England as a statutory consultee and we believe that they are well placed to offer an independent and objective assessment of developments impacting on existing sporting infrastructure and that their statutory consultee role should prevail, supported by strong policy content predicated on the protection of existing community sporting provision. Furthermore, Sport England has developed specific expertise and sophisticated demand and supply analysis tools which have been widely accepted across the planning and sport community alike. It is essential that any planning decisions affecting local community sporting infrastructure are properly assessed within the context of this expertise so as to ensure genuinely sustainable development.

The Football Association considers that the proposals put forward as part of the National Planning Policy Framework place playing fields and facilities at great risk, in favour of broader development aspirations, and in so doing, reduce opportunities for future generations to participate in their national game and, more generally, for the public to participate in healthy sport. Football growth, as seen over the past decade will simply not be possible without a protected and sustained national network of playing fields, free from threat of development.

29 Active Places data base—January 2011
2.0 The National Planning Policy Framework

The FA fully endorses the formal response made to this consultation by Sport England and in particular their assessment that the proposed consultation document significantly weakens the protection of national sporting infrastructure and potentially undermines their important role as statutory consultee.

The FA supports Sport England’s proposition that there must be provision made in the framework for the following key areas:

— Statutory Consultation through Sport England—Strong policy content requiring protection of existing sporting infrastructure as a starting position in any planning considerations and that any deviations/reductions in local sporting infrastructure only be approved subject to independent evidence to support a case of over-supply or where appropriate equivalent sporting provision might be provided in lieu of the development. Furthermore, that any planning proposals that have the potential to impact on existing sporting infrastructure be subject to Sport England’s independent assessment utilising the widely accepted tools to determine accurate demand models.

— Definition of Community Infrastructure—the Football Association believes that sports facilities have a significant and important part to play in the evolution of sustainable communities. The framework does not explicitly refer to this aspect of community infrastructure which may in turn lead to a failure on the part of local planning authorities to consider sufficiently the contribution made by community sport to sustainable development. Whilst it is recognised that many local authorities will consider these needs, The FA would recommend that these considerations are explicitly referred to within the framework such that local authorities are required to determine specific local need and make appropriate provision subject to Sport England approvals. The sophistication and depth of local data available in sport has developed significantly over the past decade to the extent that most local authorities (LAs) and indeed Sport England, will be able to provide clear, unambiguous demand models at a local level to support decisions to include sporting infrastructure as part of forward planning exercises. A requirement to ensure community sporting infrastructure is properly considered need not result in unnecessary delay or expense and will strengthen a local authority’s planning strategies.

— The wider societal role of sport—The FA recognises that the framework acknowledges the wider benefits accrued through sport, specifically regarding health and well-being. Whilst difficult to prove on an objective level, The FA considers that sport has the ability to deliver a far broader range of benefits to local communities—economically, environmentally and socially. Football in particular is a driving force in identifying, developing and sustaining community volunteers, whether they be parents, coaches, referees or administrators. The community benefit of this combined voluntary workforce offers a significant added-value to local communities—economically as well as socially. Simply put, grassroots football in England relies on over 400,000 volunteers all of whom are reliant on a sustainable and protected community facility base. Similarly, future community-volunteers engaged through football will rely on access and availability of public playing field space and facilities. The Football Foundation has very recently carried out independent research identifying that almost 60% of adults questioned confirmed their belief that improved community sport facilities would result in a decline in anti-social behaviour. 40% of those questioned suggested that improved community facilities would “generate community pride”.30

3.0 Questions

3.1 Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, whilst at the same time giving local communities sufficient power over planning decisions?

The current proposals, whilst reducing complexity and content, also introduce a level of ambiguity into the overall planning process in so far as planning for sport is concerned. It is understood that due consideration may be given to those communities directly affected by planning proposals being able to express their own planning outcomes. However, The FA feels that ambitions for local accountability would be improved further if specific, concise guidance was made available to support local decision making. Such guidance should include an explicit section outlining the minimum considerations to be afforded to community sporting infrastructure. This would ensure that local decisions were taken in light of all considerations without recreating a bureaucratic and unwieldy planning framework—local discretion could still be imposed but within some defined and necessary protections for community sport.

3.2 Is the definition of “Sustainable Development” contained in the appropriate document; and is the presumption in favour of sustainable development a balanced and workable approach?

The Football Association fully supports Sport England’s response that there is an imbalance between economic drivers and social/environmental drivers regarding planning considerations. Whilst economic

30 Football Foundation Research into Community Sports Facilities, September 2011
pressures are fully understood, genuinely sustainable development can only be achieved long term if, at the outset, proper and thorough consideration is given to wider community outcomes.

3.3 Are the core planning principles clearly and appropriately expressed?
The FA fully supports Sport England’s response on this question.

3.4 Is the relationship between the NPPF and other national statements of planning policy sufficiently clear?
The FA is not in a position to comment on this issue.

3.5 Does the NPPF serve to integrate national planning policy across Government Departments?
The FA believes that a new national planning framework provides a unique opportunity to compel an element of cross-departmental collaboration designed to ensure that the planning output requirements of health, education, private sector, sport and others are combined to achieve economies of scale but also again, to ensure the best possible chance of securing genuinely sustainable development. Community sport should play a full part in this.

3.6 Does the NPPF, together with the “duty to co-operate” provide a sufficient basis for larger-than-local strategic planning?
No comments.

3.7 Are the policies contained within the NPPF sufficiently evidence based?
As already mentioned in this response document, The FA recognises the expertise built up by Sport England through various analytical tools that in themselves provide robust evidence to support planning decisions. These techniques are well understood by the sporting sector and developers alike. The confidence in these tools should be protected and invested in further to ensure that policy decisions arising from this new framework are evidence-based.

4.0 Conclusion
The Football Association fully recognises the importance of a planning system that is able to maximise investment opportunities and at the same time, create accountability within those communities directly affected. However, there should be robust safeguards in place to ensure that wider considerations are not overlooking in a drive for economic outcomes. A community that is genuinely sustainable is one that has a long term vision and direction. That same long term vision in any community should recognise the social, environmental and economic benefits that are derived from community sport.

Football in England has a huge part to play in this—it is after all, the national game, with a huge following at all levels. As a sport reliant on public playing fields and facilities, The FA considers its future development potential to be inextricably linked to Government planning policy. A new National Planning Policy Framework therefore presents an ideal opportunity to ensure that community sport is protected not just for current participants, but those of future generations.

However, as the proposals currently stand, The FA considers that community sport is not adequately protected and place playing fields/facilities at great risk, and in so doing, reduce opportunities for future generations to participate in their national game and, more generally, for the public to participate in healthy sport.

September 2011

Written evidence from The Theatres Trust

Summary
— The Theatres Trust does not believe that the NPPF gives sufficient guidance or gives local communities sufficient power over planning decisions in matters relating to culture, the arts and theatres. It needs to define culture and cultural facilities as an “asset of community value” and within town centre uses.
— Our major concern is that without national guidance, at a local level, planners may overlook the contribution theatres and the performing arts make to the wellbeing and vibrancy of communities within their local plans.
— At an Inspectorate level as the NPPF is silent on culture our fear is that Inspectors will not consider the need for specific policies on culture, the arts and theatres in local plans, as they do currently.
Theatres are vulnerable facilities and as the presumption will be in favour of those uses that are covered within the NPPF no matter how valued they are by the local community. Their protection and use will only be properly considered and protected if there is guidance on culture within the NPPF, which will give culture the same status as other uses.

In our opinion the definition of “sustainable development” contained in the document needs to be clearer on culture. The presumption in favour of sustainable development is not balanced or workable.

The “United Cities and Local Governments” (UCLG) approved in 2010 a policy statement recognising culture as the fourth pillar of sustainable development, next to economic growth, social inclusion and environmental balance. The Theatres Trust supports this view.

At present leisure, sport and heritage are explicitly recognised within the draft NPPF. Culture, the arts and theatres are not. The reduction of policy guidance, particularly in relation to PPS4 in the new NPPF has meant that there is a lack of clarity surrounding culture, the arts and theatres and the role they play in achieving balanced sustainable development.

The Trust does not consider that the core planning principles are clearly and appropriately expressed.

We believe that culture is a core planning principle. Culture keeps the spirit of places alive and is essential to our wellbeing.

Culture currently has its own policies distinct from leisure and sport in existing local planning policies and other national and regional plans. Cultural infrastructure is also referenced in the CIL Overview (2011). For coherence, clarity and to ensure that by its omission this does not lead to further complexity, culture must be included in the NPPF.

In our opinion, the relationship between the NPPF to other national statements of planning-related policy is not sufficiently clear.

PPS4 states that the main uses to which the town centre policies in the PPS apply are for “arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).” The same strength of this policy is not carried forward into the NPPF.

The policies on creating “sustainable communities” should recognise that the planning system needs to deliver the right cultural facilities to meet local needs.

The NPPF does not integrate national planning policy in respect of the Government’s commitment to culture and the arts and the sectors supported by the Department for Culture, Media and Sport (DCMS).

The DCMS works with the Department of Health on ways that the arts can help improve wellbeing in the UK. Yet culture is not referred to within the NPPF under health and wellbeing.

The DCMS works with DCLG on using the arts to regenerate local communities and recognises the important contribution that the arts make to the UK economy but there is no consideration of policies to support culture’s contribution to economic development within the NPPF.

The Theatres Trust does not believe that the NPPF, together with the “duty to cooperate” will provide a sufficient basis for larger-than-local strategic planning on culture.

Theatre buildings not-in-theatre-use are at the greatest risk. The Theatres Trust is already concerned at the number of theatre buildings, particularly in the north of England, which are facing closure and demolition.

Without concise NPPF policies that establish culture’s contribution to sustainable development The Theatres Trust fears the loss of theatre buildings in towns which already have little else in the way of cultural facilities.

Where concepts of good spatial planning relate to vital national interests then we believe that there is a case for inclusion of culture in the NPPF and the Trust would argue that planning for culture is indeed of national interest.

The Theatres Trust does not believe the NPPF is sufficiently evidence-based.

Response from The Theatres Trust

1) Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

2) The Theatres Trust does not believe that the NPPF gives sufficient guidance or gives local communities sufficient power over planning decisions in matters relating to culture, the arts and theatres.

3) The NPPF stresses the contribution planning can make to the economy, community wellbeing and the environment. It highlights the contributions to wellbeing made by sport, leisure, recreation and open spaces, the natural environment, and design. But it does not make any specific reference to the contribution that culture, the arts and theatres make to ensuring that communities thrive. From our perspective and remit “culture” includes theatre and the performing arts.
(4) The failure to make explicit mention of culture means that the NPPF’s treatment of the types of provision which are championed by the DCMS is unequal. Cultural facilities such as theatres, galleries, libraries, museums and archives have been viewed in the past by the planning system as public services, education facilities and community provision. The prominence and clarity given to sport and the historic environment in the draft NPPF and the failure to explicitly mention and define culture means that in relation to the DCMS sector the definition of sustainable development used in the framework is unbalanced.

(5) Our major concern, therefore, is that at a local level, planners may overlook the need to consider the contribution theatres and the performing arts make to the vibrancy of communities and local centres within their local plan. An arts facility (for example, one supporting young people in productive cultural activities that deters them from crime) that does not fall easily into existing use classes or a theatre which is not statutory listed, could be demolished to make way for shops, offices and housing, leisure or sports facilities. Campaigners could try to argue a case for the building as an “asset of community value” (which will come in with the new Localism Bill), but this would be a hard argument to make as within the local plan there will be no protection for such facilities.

(6) Furthermore, because the NPPF does not define cultural uses as explicitly promoting sustainable development, other uses that the NPPF does promote will have a far stronger policy basis upon which to argue their case.

(7) At an Inspectorate level, as the NPPF is silent on culture, our fear is that Inspectors will not insist on specific policy for culture, the arts and theatres in local plans. For example the London Borough of Islington Core Strategy Policy 14 had a sentence stating that “Existing cultural facilities will be promoted and protected”. During the Core Strategy Examination the Inspector decided to make a number of changes including replacing this sentence with stronger guidance “The council will protect and enhance the existing arts and cultural uses and encourage new arts and cultural uses, particularly within town centres”. The justification for the change was to clarify the approach to arts and culture. The Inspector also said that “A key issue for the Core Strategy is building on the Borough’s strengths as a cultural and arts destination. This change reinforces the relevant special objective ... to provide a clear strategic policy framework for protecting and developing such uses throughout Islington. It is endorsed to ensure effectiveness.”

(8) It may be argued that inclusion of culture can be left to local plans, but theatres are vulnerable facilities and as the presumption will be in favour of those uses that are covered within the NPPF, no matter how valued they are by the local community their protection and use can only be properly considered and protected if there is guidance on culture within the NPPF which will give culture the same status as other uses.

(9) Note that the site for the Aylesbury Waterside Theatre which was developed and secured by Aylesbury Vale District Council that the Planning Committee report specifically quoted the text on planning for cultural and tourism from PPS6 as a reason for supporting the granting of planning permission for the new theatre within the town centre. The venue has a 1,200-seat auditorium that converts into a 1,800-capacity hall for standing events, and a 225-seat suite for smaller events including dance, drama, meetings and conferences.

(10) Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

(11) In our opinion the definition of “sustainable development” contained in the document is appropriate but the presumption in favour of sustainable development is not balanced or workable. This is because although the definition of sustainable development in the draft NPPF includes, for example “…the need to create a good quality built environment with accessible local services that reflect the community’s needs and supports its health and wellbeing” [para 10, bullet 3] we believe there is a need to strengthen the guidance by making explicit reference to culture at appropriate points in the text.

(12) At present leisure, sport and heritage are explicitly recognised in the draft NPPF. Culture, the arts and theatres are not. The reduction of policy guidance, particularly in relation to PPS4 in the new NPPF has meant that there is a lack of clarity surrounding culture, the arts and theatres, and the role they play in achieving balanced sustainable development. This is particularly the case for theatres which are sui generis.

(13) To achieve a less complex, balanced and accessible planning system, and one which promotes economic development and wellbeing, culture, the arts and theatre have to be recognised. This will provide clarity within local and neighbourhood planning and ensure there is sufficient guidance for the allocation and protection of land, buildings and facilities for cultural uses for those involved in development management.

(14) Globally, local authorities recognise that culture is the fourth pillar of sustainable development. The “United Cities and Local Governments” (UCLG), which represent over 1,000 cities across 95 countries, and includes the Local Government Group in England, approved in 2010 a policy statement recognising culture as the fourth pillar of sustainable development, next to economic growth, social inclusion and environmental balance.
(15) Are the "core planning principles" clearly and appropriately expressed?

(16) The Trust does not consider that the core planning principles are clearly and appropriately expressed and suggests that bullet 9; should include reference to "...taking account of and supporting local strategies for cultural provision", as part of attempts to improve health and well being.

(17) We believe that culture is a core planning principle. Culture keeps the spirit of places alive and is essential to our wellbeing. It enhances and improves the places in which we live and the quality of the lives of communities. The performing arts, in the broadest sense, contribute to people’s happiness and wellbeing. Theatre’s ability to entertain, engage and involve is beyond doubt. Theatres also enable young people to demonstrate their skills and potential, and together with external partners help develop diverse programmes of arts activity that support individuals to develop an understanding of their responsibilities in society and moral compass regardless of background and personal circumstance.

(18) The biggest current challenge facing arts organisations is to deliver more with less resources. The task for local authorities and arts organisations is to work together to identify and reach those most in need. Performing arts projects are often seen as soft targets for cuts, but it is these projects that are uniquely placed to provide sustainable benefits across society. The need for national policy on planning to include culture is in our view is essential if we are to achieve sustainable communities and enable them to expand and develop.

(19) If culture is not included in the NPPF, local plans may not take account of cultural needs in forward planning to the detriment of the wellbeing of future communities. Culture currently has its own policies distinct from leisure and sport in existing local planning policies and other national and regional plans. Cultural infrastructure is also referenced in the CIL Overview (2011). For coherence, clarity and to ensure that by its omission this does not lead to further complexity, culture must be included in the NPPF.

(20) Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

(21) In our opinion, the relationship between the NPPF to other national statements of planning-related policy is not sufficiently clear. The chapter within the NPPF on “Business and Economic Development” incorporates the current policies within Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4). PPS4 importantly makes a distinction between leisure, and arts and culture. However the NPPF has lost all the references to culture, the arts and theatres. PPS4 contains important policies that help to promote and protect theatres in towns and cities.

(22) At paragraph 7.4 (page 3) PPS4 states that the main uses to which the town centre policies in the PPS apply are for “arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).” More explicitly, Policy EC4.2 (page 10) states: “Local planning authorities should manage the evening and night-time economy in centres.” Policies should: “encourage a diverse range of complementary evening and night-time uses which appeal to a wide range of age and social groups, making provision, where appropriate, for leisure, cultural and tourism activities such as cinemas, theatres, restaurants, public houses, bars, nightclubs and cafes”.

(23) The policies on creating “sustainable communities” should recognise that the planning system needs to deliver the right cultural facilities to meet local needs. As stated in the ambition of the NPPF, we believe that it is through culture that we facilitate social interaction and inclusive communities.

(24) The NPPF draft makes no reference to culture, the arts and theatres and therefore it cannot be considered to be sufficiently clear in these areas.

(25) The NPPF does not integrate national planning policy in respect of the Government’s commitment to culture and the arts and the sectors supported by the Department for Culture, Media and Sport (DCMS). The Prime Minister’s speech on supporting economic growth highlights the creative industries as an important growth area in rebalancing the economy. The DCMS works closely with other Government departments and agencies to make sure that there is an appropriate level of support available for the creative industries. As stated in the Arts Council England’s 2011 paper on “Supporting growth in the arts economy”, “…our best arts and cultural infrastructure (the most open theatres, connected media centres and interdisciplinary art spaces) have become the ‘spikes’ and ‘intersections’ for creative exchange, operating at once as places (and digital spaces) of creative business transaction, inspirational cultural experience, education, and cross-sector innovation”. Yet the NPPF provides no policies on culture that match the DCMS’s ambitions.

(26) The DCMS believes that the arts can help individuals and communities by bringing people together, strengthening relationships between local residents, welcoming differences and removing social barriers. It works with the Department of Health on ways that the arts can help improve wellbeing in the UK. Yet culture is not referred to within the NPPF under health and wellbeing.

(27) The DCMS works with Department for Communities and Local Government on using the arts to regenerate local communities and recognises the important contribution that the arts make to the UK economy. It identifies issues that limit economic and artistic growth and works with the industry to overcome them. But there is no consideration of policies to support culture’s contribution to economic development within the NPPF.
(28) Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

(29) The Theatres Trust does not believe that the NPPF, together with the “duty to cooperate” will provide a sufficient basis for larger-than-local strategic planning on culture. Without any reference to culture, the arts or theatres in the NPPF it is not explicit that the duty-to-cooperate would cover these sectors, particularly where the future of national and regional theatre provision was at stake. Our concerns also lie in the extent to which cuts in local government will impact upon their capacity to cooperate with community groups who have the opportunity to take on “cultural” assets of community value or who are seeking assurance that cultural and theatre provision with national, regional or local significance is included in neighbourhood and local plans.

(30) In planning for spending cuts, arms length bodies and local authorities are already making provisions for reducing staffing levels and the cost of providing services in the areas of arts and culture, planning and conservation. They are looking at combining service functions with other arms length bodies and neighbouring authorities, and establishing trusts or outsourcing to deliver services. The impact of this disruption on theatres cannot be underestimated.

(31) Theatre buildings not-in-theatre-use are at the greatest risk. The Theatres Trust is already concerned at the number of theatre buildings, particularly in the north of England, which are facing closure and demolition by local authorities that feel unwilling or unable to maintain them. The Palace Theatre in Nelson was demolished in 2009, while North Tyneside Council spent a considerable sum demolishing the Borough Theatre, Wallsend in 2010, and redeveloping it for commercial and residential uses, despite the efforts of local residents to save the building for cultural use.

(32) Without concise NPPF policies that establish culture’s contribution to sustainable development The Theatres Trust fears that this would result in the loss of theatre buildings in towns which already have little else in the way of cultural facilities. The Opera House in Workington is the latest example where a local group is campaigning to see the theatre re-opened as an arts facility. The former theatre already has permission for demolition for a commercial development.

(33) Where concepts of good spatial planning relate to vital national interests then we believe that there is a case for inclusion of culture in the NPPF and the Trust would argue that planning for culture is indeed of national interest.

(34) Are the policies contained in the NPPF sufficiently evidence-based?

(35) The Theatres Trust does not believe the NPPF is sufficiently evidence-based. If it was it would clearly reflect existing government policy supporting and promoting culture and the arts, as well as business development, the environment and community infrastructure.

September 2011

Written evidence from Civic Voice

1. The new National Planning Policy Framework (NPPF) has a central role to play at the heart of the planning decisions which affect the future quality of our cities, towns and villages. Civic Voice welcomes the opportunity to shape the framework of national planning policies as part of wider reforms to the planning system. As the new national charity for the civic movement and the network of hundreds of volunteer-led and community-based civic societies across England we are excited by the prospect of reforming the planning system to help people shape their surroundings more effectively. We work to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride and we know how important effective planning is to these goals. Given this role it is no surprise that civic volunteers are the most numerous participants in the planning system and these views are informed by their practical experience and local outlook.

The Role of Planning

2. Civic Voice believes the planning system has untapped potential to engage people in becoming more actively involved in their community as well as managing land use change and development for the widest public good. It combines vision with necessary regulation and already plays a critical role in protecting and improving the quality and prosperity of local places. We believe this needs to be strengthened and supported through improved opportunities for public engagement, selective extension of planning controls (not deregulation) and stronger safeguards against abuse. This needs to be further supported by action to remove the mystique, jargon and complexity of planning vocabulary and processes which act as a deterrent to community engagement. The planning system also needs to have resources, particularly at a local authority level, commensurate with the important role it plays. The value of effective planning in the public interest also needs strong defence against vested interests who seek to weaken safeguards or promote exceptions to bypass the system.

3. The review of national planning policies has an important role to play in achieving this potential for planning. We share the ambition for a more localist and user friendly approach which only addresses those
issues which need to be included. A clear and effective national planning policy framework is fundamental to the overall effectiveness of spatial planning, providing certainty for both developers and communities. It needs to both establish a favourable policy direction and be written in accessible language. It also needs to provide a clear foundation for preparing development plans.

4. These are the expectations against which we have judged the draft NPPF. We do not find it fit for purpose.

Planning as the Solution not the Problem

5. Our fundamental concern with the draft NPPF lies not in the detail of policy wording but the underlying assumptions on which it appears to be based. Its drafting and the political rhetoric surrounding its publication and the ensuing public debate asserts that planning policy and decisions are an obstacle to economic growth at a time of stark national need. We fundamentally dispute this starting point and urge the Government to focus more on demand than supply side interventions to supporting economic growth. Planning is a means for informed discussion about the kind of society we want to live in and the places we want to inhabit. Even as a regulatory tool we see over 80% of planning decisions granting permission and over 30% of planning appeals are successful. Less than 1% of planning applications take more than a year to be determined. There is also significantly more land earmarked for housebuilding than demand for its development and this surplus is growing. Outside London and the South East there are large areas of land earmarked for economic development. It is a lack of demand not a lack of land or planning consent that explains why development is not happening. Any changes in the NPPF need to be accompanied by a new and more positive attitude from the Government as a whole to the role of planning in delivering economic progress and providing certainty for investment in land and buildings, as well as addressing social, environmental and cultural considerations.

Other Issues

6. We urge the Committee to consider the following issues as part of its inquiry:

   Brevity and clarity—There are significant advantages in having national planning policy in one place and in a much briefer format. Generally, the NPPF is written less clearly than existing policy, however, and leaves more room for interpretation. The brevity and ease of access of a single NPPF is also being undermined by the series of ad hoc policy developments being made through DCLG’s Chief Planner letters on issues as varied as shop fronts and schools.

   Everyday England—Our primary concern is for “everyday England”—the local streets, buildings, green areas, town centres, views and open spaces of daily life for the vast majority of people. The civic movement itself is testimony to the fact that people care passionately about their local area and wish to see it valued and for its best qualities to endure. There is already widespread concern about the impact of development and change which results from the cumulative effect of tens of thousands of local planning decisions over time. This is one reason why the Government’s commitment to localism and neighbourhood planning has won support. Civic Voice’s 2010 Love Local survey showed that more than three quarters of people know something in their area which they value and which they believe to be at risk. People expect the planning system to play its part in addressing and valuing what they care about. By contrast, the draft NPPF is (helpfully) strong in its advocacy of the importance of places designated for the benefit of wildlife and natural beauty and of the Green Belt but not for undesignated, everyday places.

   Local voice—The Government has placed a strong emphasis on giving communities more control over the future of their local area and ensuring their views are heard. This has provided a welcome tonic to communities which so often feel ignored or unable to influence planning and other decisions. It is all the more disappointing, therefore, that the guidance currently in PPS5 on planning and the historic environment that:

   “If the evidence suggests that the heritage asset may have a special significance to a particular community that may not be fully understood from the usual process of consultation and assessment, then the local planning authority should take reasonable steps to seek the views of that community”.  (HE7.3)

   has been dropped in the draft NPPF. It is precisely this local knowledge and insight which can only be provided by local community voices that needs to be recognised in the evidence base requirements set out in the NPPF if communities are to have the confidence that what they say will be listened to. The draft NPPF could also be stronger in recognising the important role to be played by communities well before pre-application consultation or design review is required and ahead of planning policies being drafted in development plans.

   Fair planning—The draft NPPF introduces a new “presumption in favour of sustainable development” where the default answer to development is “yes” and local planning authorities should “approve all individual proposals wherever possible”. This is a fundamental and destabilising change which biases the way all development plans will be prepared and all planning applications

31 DCLG Planning statistical release 24 June 2011
32 Planning Inspectorate Statistical report England 2011–12 Quarter one
33 RTPI Myth busting: the truth about planning 2011
determined. Where the development plan is “silent, indeterminate or where relevant policies are out of date” then a free-for-all is introduced where local planning authorities are simply told to “grant permission”. There is no explicit recognition of any circumstances where development should be refused and there is every incentive for a major growth in planning by appeal. This bias will not only skew planning decisions but also deter many communities from becoming involved in neighbourhood and other planning as the sense of trust in the very purpose of the planning system is undermined.

Devaluing “sustainable” and doubling the presumption—The principles of sustainable development have been a focus of international discussion for 25 years and the concept was introduced into national planning policy in 1992, shortly after the Rio Earth Summit. Planning has been dealing with sustainable development for nearly 20 years. The principles agreed in Defra’s Securing the future—delivering UK sustainable development strategy (2005) were widely praised among a wide variety of stakeholders:

- Ensuring a strong, healthy and just society.
- Achieving a sustainable economy.
- Promoting good governance.
- Using sound science responsibly.
- Living within environmental limits.

Critically, sustainable development is about ensuring these principles are integrated and achieved together. This provides the necessary bridge from the Brundtland Commission definition to its application through planning practice. The Government has indicated it supports the 2005 Sustainable Development Strategy but this is not reflected in the NPPF. Instead, this rewrites more than two decades of intense discussion and redefines the very meaning of sustainable development in terms that misconstrue the term as equivalent to “sustainable economic growth”. The overall effect is to introduce what is in effect a double presumption in favour of development. There is already a legal presumption in favour of planning applications being determined “in accordance with” the development plan (which Ministers have described in terms of the plan being “sovereign”). This is very welcome but only insofar as development plans are themselves prepared in an unbiased way. Instead, the draft NPPF requires them to be based on an assumption that development should be permitted wherever possible and that “significant weight should be placed on the need to support economic growth”. No equivalent statements exist in the draft NPPF for the weight to be placed on other aspects of sustainable development.

More not less—We are concerned by the general doctrine espoused by Ministers of planning for more not less development when the full implications of accommodating certain development levels are not known and there are environmental limits which may be placed at risk. This is particularly evident in relation to housebuilding, the largest consumer of land for new building. By requiring local planning authorities to identify more than five years supply of land for housebuilding and not take account of windfall sites the draft NPPF will cause significantly more land to be earmarked for housing development than is either needed or demanded. The inevitable result will be that the most profitable sites are cherry picked and other sites where development could achieve either more public benefits or result in less harm will be left fallow. It will also lead inexorably to pressure to relax Green Belt boundaries despite the strong support for the Green Belt in the NPPF. A similarly lax approach to building land applied in the 1980s and early 1990s was the cause of public outcry at the effects, which led to the introduction of a much more measured “plan, monitor and manage” approach and less emphasis on demand-led household projections. There is also a risk that the pattern of development which would follow introduction of the NPPF would carry a much greater economic deadweight for both the public and private sectors in terms of the additional infrastructure, travel and other costs associated with sprawl.

Brownfield first—New development provides an opportunity to enhance and reclaim otherwise declining areas in our towns and cities through fresh investment. This potential should be a starting point when considering its location and the brownfield first policy of the last decade has brought many benefits. It is important not to apply this approach too simplistically and to recognise the value of open space in towns and cities as well as protect rural greenfield sites. Generally, there is more potential than is realised for using existing land and buildings in urban areas to meet housing needs and support economic development which also improves them as places to live and work and provides an alternative to greenfield locations. The NPPF should do more to promote this “urban renaissance”.

Town centre first—There is a welcome emphasis on promoting town centres in the NPPF but the detailed wording diminishes its impact. Retail and leisure developers are no longer “required wherever possible” to locate in town centres but only “where practical”. It is important that developers are required to adapt the size of their proposals to meet the supply of available buildings and sites in town centres. The sequential approach to office development is also weakened despite the importance of their location to town centres and the demand for car-borne trips.

Design and heritage—The draft NPPF includes welcome policy commitments to the importance of both quality design and the historic environment. This includes recognition of the value of design review. We are concerned, however, that these commitments will not stand up as effective reasons
for refusal in the face of the strong emphasis on supporting development. There are also important changes to the policy detail. The draft NPPF drops the current requirements to seek community views on the importance of local heritage, drops references to the importance of local historic character and makes no reference to local listing. This is a key way in which the local community can express a view about what matters in their area. On design there is the re-introduction of the discredited wording used in Circular 22/80 that only “obviously poor design” can be refused and on heritage the presumption in favour of the conservation of designated heritage has been dropped. Crucially, there is no support to decision makers dealing with proposals that may impact only moderately on heritage assets and the implication is that the strong presumption in favour of development will apply. We are also concerned by the weakening of the sequential approach to the loss of open space which currently requires a full range of alternative open space uses to be considered before permitting irreversible change.

SMART GROWTH

7. Looking forward, we seek an approach that recognises the need for a stronger role for planning in securing a pattern and quality of development which supports economic, social and environmental progress and provides certainty for investment. This will need to be based on an approach which delivers “smart growth” and in particular:

— An integrated approach to plan-led sustainable development which reflects key principles, including environmental limits and social justice.
— A stronger role for local communities and the value of the undesignated everyday environment.
— An enhanced focus on the role of towns and cities as the source of economic progress.
— Recognition of the importance of quality architecture, urban design, culture and heritage protection in securing physical and economic regeneration and economic growth in our towns and cities.
— A clearly articulated ambition to shape the geography and location of new housing, economic and other development based on firmer implementation of the principles of town centre first, brownfield first and reducing the need to travel in order to deliver smart growth.

9 September 2011

Written evidence from the John Lewis Partnership

SUMMARY

JLP supports the Government’s intention to simplify national planning guidance and the inclusion of the presumption in favour of sustainable development. However, it is essential that the NPPF (1) continues to promote a plan-led system, (2) maintains the “town centre first” approach, and (3) is accompanied by more detailed guidance on how impact and sequential assessments should be undertaken. JLP also supports the introduction of a competition test for new supermarket development.

We would welcome the opportunity to appear before the Committee, if that would be helpful.

JLP: BACKGROUND

The John Lewis Partnership primarily comprises 29 John Lewis department stores and over 260 Waitrose supermarkets. JLP is the UK’s largest example of an employee owned business, with over 76,000 staff sharing the rewards and management of the business.

JLP has ambitious growth plans and seeks to underpin all its development with a commitment to act in the best long term interests of the communities we serve and the staff (or “Partners”) who own our business. Our new shops provide sustainable employment and shopping opportunities, and we look to open shops in locations where we contribute to the prosperity and success of town and city centres around the UK.

JLP expects to create an extra 5,000 jobs in 2011, primarily through the opening of new shops. For example, our newest Department Store and Waitrose food shop opened last week, in Stratford, creating over 800 jobs, all targeted locally to help further support the growth initiatives and revitalisation of Newham and the wider regeneration initiatives of the Olympic site in what has been hitherto one of the most deprived areas of London.

OUR VIEWS ON THE DRAFT NPPF

The Partnership supports the Government’s agenda to promote growth and competition and considers that responsible retailers, such as John Lewis and Waitrose, alongside responsible developers and other key stakeholders in the property industry, have a vital role to play as key market drivers of sustainable economic growth.

We support, in principle, the Government’s stated intention to reduce the amount of national policy, guidance and other planning documents. We also support the Government’s positive presumption in favour of sustainable development and the recognition that a faster, more transparent planning system can assist economic recovery.
We consider the draft NPPF to be a good “first effort” and we consider that with some amendment it can form an effective single point of contact for national policies, which is clearly its intended purpose.

However, in our view it is essential that the NPPF maintains three key tenets of planning policy, notably:

1. The continued promotion of a “plan led system”;
2. A maintained focus on “town centres first”;
3. The continued broader based assessment of the effect of retail and other town centre uses across economic, environmental and social indices.

We also support the appropriate application of a competition test in the grocery sector, as recommended by the Competition Commission.

We consider each of these points briefly below.

1. **The Continued Promotion of a “Plan-Led” System**

   A plan led system is vital to coordinated growth. The Localism Bill and the NPPF must maintain and support the plan-led approach if Government is to ensure that long term, large scale investments are not thwarted by short term opportunist speculation.

   Major developments require major investment, which in turn requires a policy framework that is consistently applied and which gives confidence and certainty to investors. As investors in economic, social and environmental infrastructure on those developments with which we are involved, a “positive plan-led approach” is key to providing JLP (and our development partners) with this certainty. Planning policy must continue to ensure that long term investment which delivers economic renewal and social enterprise will be supported.

   The new local plan system proposed under the Localism Bill and the NPPF, with neighbourhood planning and the production of new local plans, will take some time to bed in. At present, very few Council’s have up to date policies. The changing law and policy framework, together with labour and skills shortages in local planning authorities, are exacerbating the problems of this absence of local policy.

   The NPPF provides that, where plans are absent, silent or out of date, that a presumption in favour of sustainable development will apply. However, this presumption is not fully defined—the policy gives very little indication as to what is (and is not) to be considered “sustainable development”. Without such definition there is the risk that decision making at a local level will be incoherent and will be subject in some cases to appeals and, in others, challenge by Judicial Review. Neither, in our view, accords with the localism agenda.

   The relationship is presently unclear between the National Planning Policy Framework and the local documents which will empower more flexible local decision making, including neighbourhood plans. This is exacerbated in our view by the lack of definition presently set around the presumption in favour of sustainable development.

   It is our view that any far reaching planning reforms need to maintain both certainty and transparency. This needs to be sufficient at a national level to ensure that the NPPF provides an acceptable “bridge” until such time as local and neighbourhood plans are adopted. Realistically, this could be two to three years.

2. **Maintained Focus of “Town Centre First”**

   The maintenance of the “town centre first” approach and, in particular, the application of the sequential assessment, has been a long standing tool in the Government’s armoury to promote growth and protect and enhance the vitality and viability of Britain’s city, town and district centres. It has served town centres well for almost two decades and we consider this must be maintained as part of any national policy framework.

   The essence of the existing sequential policies set out in PPS4 (under Policy EC5 for effective plan making and Policy EC15 for development management) remain relevant in our view to any National Policy Framework. Indeed we would venture that these policies are the cornerstone of positive future investment for and in town centres.

   The town centre first agenda provides a positive framework to support long term, complex investment decisions, and protecting those investments against short term speculation on less complex, and in some cases less expensive, out of centre locations.

   Positive town centre policy is currently ingrained at every level of the planning policy framework: national, regional and local. Clearly the opportunity to review plans at a local level and, in particular, the production of neighbourhood plans, needs to be set within a firm policy framework, the ground rules of which must be set at a national level, if regional plans are to be abolished, as is intended.

   The assurance from the Government is that the town centre first approach is to be maintained. However, we are concerned that the language of the NPPF falls short of giving the necessary weight to the sequential and impact tests. For example, at para 78, the NPPF refers to the “preference” rather than “requirement” for sequentially preferable sites to be selected.
And of particular concern, it is very unclear how the town centre first policies and the presumption in favour of sustainable development relate to each other. Our understanding is that Ministers consider it to be implicit in the draft NPPF that a proposal that fails the sequential test or the impact test will not benefit from the presumption. However, the wording needs to make this explicit if the town centre first policies are to have real effect.

We enclose a suggested approach to the redrafting of a number of the key paragraphs which we consider can be easily accommodated and which will give a focus to the key tenets of the “sequential” and “impact” tests without diluting the common thrust of streamlining and greater economic focus.

We firmly believe that the national planning framework must not dilute the position established through PPG6, PPS6 and latterly PPS4. These town centre first policies are vital to the protection and growth of our town and city centres, and this focus must be maintained in the new policy framework.

3. A BROADER BASED ASSESSMENT OF THE EFFECT OF RETAIL DEVELOPMENT

We agree with the general approach to impact assessment presently contained within PPS4. It is correct and sensible in our view to extend the assessment of proposals to include a consideration of a wide spectrum of economic, social and sustainability measures in order to fully examine the potential impact of development. It is similarly correct in our view to identify and consider both positive and negative impacts arising from developments.

The fundamental streamlining of policy means that the detail of the impact assessment looks set to be lost. We consider this to be a retrograde step and we would strongly urge policy-makers to commission guidance notes, which would sit underneath the NPPF, to explain how impact and sequential assessments should be undertaken. This will also contribute to the consistency and certainty arguments outlined above.

If the wider impact assessment is to be carried forward into the NPPF, then we see no necessity for the potential reintroduction of the assessment of “need”, and we note that the NPPF as presently drafted does not suggest the reintroduction of the Need test.

4. A COMPETITION TEST

Following the publication of the recommendations of the Competition Commission in 2009, we support the introduction of a competition test for new supermarket development. We would encourage the Government to review and act upon the Commission’s recommendations.

It is our view that the introduction of a facia test, or equivalent measure to assess competition within a defined catchment, is sensible, sustainable and will foster investment, growth and enhanced competition amongst the major retailers. Greater competition and diversification will provide greater choice for consumers and will also encourage people to shop more diversely, helping to foster the growth of specialist retailing and independent retailers.

Although the exact nature and form of how such a competition test would work in practice remains to be finalised, we consider it to be a missed opportunity that the draft NPPF does not provide for its introduction.

September 2011

Written evidence from the World Wildlife Fund UK (WWF)

SUMMARY

— WWF has serious concerns that the draft NPPF:
  — is not “fit for purpose” and that by stripping away hundreds of pages of existing guidance, and requiring local planning authorities, to produce “succinct” Local Plans, decision-makers will be expected to make important decisions in a policy vacuum;
  — demonstrates a significant shift in planning policy by creating a market-led system, driven by economic interests and the attainment of economic growth, thus redefining sustainable development and undermining other measures to achieve it; and
  — fails to properly integrate and reference other relevant national policies which rely on the planning system to deliver key objectives, such as policy related to sustainable development, the natural environment and energy and climate change.
— WWF believes that the draft NPPF should be subject to a Strategic Environmental Assessment (SEA) and recommends the Government undertake a screening assessment immediately.
— WWF considers that the presumption in favour of sustainable development, as currently drafted, is actually a presumption in favour of any, and all, development. Without fundamental amendment it may cause significant damage to the natural environment and the integrity of the planning system.
— In WWF’s view some of the core planning principles are inappropriate, while others are not clearly expressed. In addition, there are key principles missing.
— Whilst the draft NPPF goes some way to providing useful policy on the application of the duty to cooperate, WWF feels that there is still a need for more detailed guidance to establish an effective framework for strategic planning and assist local authorities in addressing matters of strategic importance.

**Response to Questions**

1. **General assessment of the fitness for purpose of the draft Framework as a whole**

1.1 WWF strongly supports the Government’s efforts to empower communities and improve community engagement in the planning system. We have faith in the ability of local authorities to work in the best interests of their communities. However, we are concerned that the lack of an effective national framework could undermine these efforts and lead to inconsistency, a lack of strategic planning and/or coordinated decisions, thus inviting delay and legal challenges.

1.2 WWF has serious concerns about the nature and content of the draft NPPF and whether it is currently “fit for purpose”. The approach taken represents a missed opportunity to provide a strategic, spatial national framework that has been called for by industry representatives, such as the Royal Town Planning Institute, for many years. The NPPF should extend beyond a consolidation and simplification of existing planning policy—it should play a clear role in providing strategic direction and spatial expression of key national priorities and outcomes for the economy, society and environment.

1.3 The draft NPPF promotes a “siloed” approach to policy development, with no clear guidance on how each of the topic areas impact upon each other. This could prompt trade-offs between competing objectives and undermine the ability of the planning system to act as a policy coordinator—brining together the different interests and needs of local communities and delivering solutions in an integrated, forward thinking and sustainable way.

1.4 The draft NPPF also encourages local authorities to eschew an approach based on planning, monitoring and managing demand in favour of a ‘predict and provide’ approach. This represents an astonishing short-sightedness as to the current role and benefits that development plans provide in terms of environmental protection and enhancement. Many development plans currently contain policies emphasising the importance of particular habitats or initiatives (eg strategies aimed at the protection of ancient woodlands, heathland, lowland grassland, freshwater environments) that, whilst not always directly linked to development proposals, provide a vital context for decision-making. Removing such references could rob local authorities of valuable information and ultimately undermine the quality of decision-making.

1.5 WWF recognises the benefits of streamlining, updating and simplifying national planning policy and guidance. However, oversimplification and the inclusion of vague statements of principle and policy may lead to more legal challenges, inconsistent application and a more cautious approach adopted by local authorities struggling to interpret the new policy direction. Excluding entirely new aspects of planning policy (such as Neighbourhood Plans), no area is covered as comprehensively as it had been in the relevant Planning Policy Guidance or Planning Policy Statement (PPG/PPS). Many detailed areas of planning have been reduced substantively. Whilst brevity may bring some benefits, the draft NPPF must not be so brief and vague that it becomes meaningless.

1.6 WWF is concerned that the draft NPPF has been developed without being subject to a Strategic Environmental Assessment (SEA). We understand that it is the Government’s position that an SEA is not required because the draft NPPF is a policy document and not a “plan or programme” to which the SEA Directive36 applies. However, WWF considers that the Directive may in fact apply because the draft NPPF is effectively bringing about a modification of the development plan.

1.7 From the date it is adopted, planning applications will be determined in accordance with the NPPF and its presumption in favour of sustainable development, unless the local plan is consistent with that approach in taking the presumption as its starting point. Local authorities must either modify their plans or effectively ignore, or give little weight to, relevant but non-conforming policies. The NPPF also establishes a policy default position which will take priority over development plans in the relevant circumstances. The Government’s own Impact Assessment for the draft NPPF states that the intention is to strengthen the role of national policy in the planning system and that the NPPF should be the “basis for decisions where plans are not an adequate basis for deciding applications”.36 This would strongly suggest that the NPPF should be subject to SEA and that a screening assessment be undertaken as a matter of priority.

34 See paragraphs 20 and 21 of the NPPF
2. Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

2.1 WWF acknowledges that workable and robust statements of policy can be written in a direct, clear and succinct way. However, careful consideration must be given to the wording and tone of a document in order to achieve this. For example, where the draft NPPF refers to policies on economic development, the language is direct and the tone is obligatory. In contrast, the messaging surrounding other areas of policy is vague, simplistic and more “recommendatory”. This implies that these areas are to be given less weight in decision making.

2.2 There are many terms used throughout the draft NPPF which remain undefined, which may lead to inconsistency and errors in application. For example, the draft NPPF constantly refers to “Local Plans”, but without any explanation for the change in terminology from Local Development Frameworks or the development plan. It is also not clear what is encompassed within the “Local Plan”, whether it includes all (or only some) of the documents that might form part of a Local Development Framework or whether it includes a neighbourhood plan or development order.

2.3 Other examples of terms requiring definition or greater explanation include “sustainable economic growth”, “environmental enhancement”, “planning performance agreements”, “green areas”, “landscape-scale”, “environmental or amenity value”, “green infrastructure”, etc. These terms are drawn from various other policy or guidance documents with established meaning, which should be taken forward in the NPPF and included within the glossary. It should not be assumed that because terms are commonly used that their meaning is well understood and applied.

2.4 There are also several statements which create obligations for local authorities, but it is not clear what will need to be done to fulfil the obligation—for example:

- the requirement for Local Plans to “address the spatial implications of economic, social and environmental change” (paragraph 22);
- the requirement to prepare a “strategy for the environmental enhancement of the area” (paragraph 24);
- the opportunity to “seek a certificate of conformity with the Framework” (paragraph 26);
- evaluating the economic, social and environmental “prospects” of the area (paragraph 27);
- planning to deliver “safe places which promote wellbeing” (paragraph 163); and
- providing “net gains in biodiversity” (paragraph 164).

2.5 As elaborated below, a key concern for WWF is that there is insufficient guidance or clarity of policy regarding the presumption in favour of sustainable development. This is the predominant consideration in the application of the NPPF and is repeated many times (albeit with inconsistent terminology) throughout the document. However, it is unclear how local authorities, or the Planning Inspectorate, are to determine when a Local Plan is “absent, silent, indeterminate” or “out-of-date”. It is also unclear what will be needed to show that adverse impacts “significantly and demonstrably outweigh the benefits” of a proposed scheme, and who will need to provide the evidence for such a decision to be made.

2.6 As highlighted above, WWF is concerned that by stripping away hundreds of pages of existing guidance, and requiring local planning authorities, to produce “succinct” local development plans, decision-makers will be expected to make important decisions in a policy vacuum. This is particularly pertinent in the section on plan-making, which states that additional development plan documents and supplementary planning documents should only be used where: (i) clearly justified; or (ii) when helpful in accelerating sustainable development; and (iii) where they do not add financial burdens on development. Local planning authorities should not be prevented from producing documents that could both inform decision-making and provide clarity to the public.

3. Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

3.1 We welcome the statement in the foreword by the Rt Hon Greg Clark MP that “the purpose of planning is to help achieve sustainable development” and the explicit reference that development plans must aim to achieve the objective of sustainable development (paragraph 20). It is our view that the planning system is the principal mechanism through which sustainable development can be achieved as it provides decision-makers with the framework within which both short and long-term public interest considerations can be considered. The planning system plays a determinative and proactive role in the achievement of sustainable development and, as such, the NPPF should recognise that the key role of the planning system is to further the achievement of sustainable development.

3.2 However, it is disappointing that the integrated approach required to achieve sustainable development is immediately dismantled in the first paragraph of the draft NPPF, which refers only to economic and societal aspects of the planning system (reference to the natural and historic environments appears in the second paragraph). The NPPF thus fails to recognise the role of the planning system in contributing to the maintenance and enhancement of the natural environment and reinforces the assumption that economic and social
3.3 Reading the draft NPPF as a whole, it is clear that the inconsistent policy direction throughout serves to completely undermine using the planning system to deliver sustainable development.

Definition of Sustainable Development

3.4 WWF is deeply concerned that the NPPF will create a market-led planning system, driven by economic interests and the attainment of economic growth. The use of the term “sustainable development” throughout the document evidences either a misunderstanding of its meaning (and how to apply it in practice) or a real intent to shift the balance and focus to the economic pillar—which in the long term can only be detrimental to the environment and society.

3.5 The draft NPPF refers to the Brundtland definition of sustainable development. However, there is no further context for local authorities to guide them in applying SD at the local level. The NPPF takes a very different approach to sustainable development than that within PPS1: Delivering Sustainable Development (PPS1). Whilst PPS1 included the Brundtland definition, importantly it also included the principles from the 1999 UK Sustainable Development Strategy. The draft NPPF fails to mention any national policies or strategies on sustainable development, including the Brundtland definition, the 2005 UK SD Strategy, and the Environment Agency and Land Use Consultants. This should include enhancement of the evidence base through environmental limits. This is a worrying oversight given that it is one of the twin objectives of the SD Strategy. WWF welcomes a spatial planning approach to achieving sustainable development. Such policy could be developed using policy on the recognition and application of environmental limits as part of a One Planet Economy.

3.8 The draft NPPF also fails to recognise one of the key elements of sustainable development—environmental limits. This is a worrying oversight given that it is one of the twin objectives of the SD Strategy. This should be rectified by including policy on the recognition and application of environmental limits as part of a spatial planning approach to achieving sustainable development. Such policy could be developed using the valuable work undertaken on environmental limits and the planning system by Defra, the Environment Agency, and Land Use Consultants. This should include enhancement of the evidence base through environmental limits as defined by ecological footprint and a One Planet Economy.
encouraging state of the environment reporting to be completed to help with the integration of environmental limits into planning and the use of ecosystem services. Environmental limits should also be viewed in the global sense, ensuring that impacts that occur beyond the local level are taken into account in planning and decision making.

Presumption in Favour of Sustainable Development

3.9 The predominant element of the draft NPPF is the presumption in favour of “sustainable development”, which is repeated regularly throughout the document and supported by strong policy statements that local authorities are to give significant weight to economic benefits. The presumption will create a default position of “yes” to development, with immediate effect upon adoption of the NPPF. It has the effect of prioritising the economic benefits of development, which must be given significant weight in decision making, and other material considerations will have to significantly and demonstrably outweigh these benefits in order to justify refusal. In WWF’s view, it cannot be said that the presumption is focused on the achievement of sustainable development—it is a presumption in favour of any and all development.

3.10 The NPPF will create a presumption in favour of development which conforms to its position on what is sustainable, and this presumption will have the ability to override in policy terms what may be seen as more restrictive development plan policies. However, it is difficult to understand what exactly is meant by sustainable development from the draft NPPF, other than the three-fold analysis of economic, social and environmental and in paragraph 10. One exception to this is the clear statement that development likely to have a significant effect on Natura 2000 sites would not be sustainable (paragraphs 16 and 170). This risk is that it will be relatively easy, save in obvious cases where development will affect Natura 2000 sites or is in an obviously unsustainable location, to claim that development is “sustainable”—particularly given the weight placed on the economic development component of sustainability and that the default answer should be “yes”.

3.11 Development is not “sustainable” when economic considerations are given significantly more weight than social or environmental consideration. To put it bluntly, it is open season for developers. This will place local planning authorities in an impossible situation as they will not be able to deliver the supposed long-term objectives of the planning system (and the NPPF) when under pressure to make short-term, quick-fix decisions that generate unsustainable growth. Ironically, the corollary of the desired effect will be delay and poor decision-making, with affected parties pursuing costly and time-consuming planning appeals and legal challenges to interpreted and applied the policy. Simplifying and streamlining planning policy and guidance will, of itself, undoubtedly enhance and speed-up decision-making—there is no need to make (and indeed there are potential disadvantages of making) economic considerations an explicit, elevated objective of the planning system.

3.12 WWF is particularly concerned about the requirement for local planning authorities to grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date (paragraph 14). The impact of the Localism Bill and the NPPF will be to immediately render the vast majority of policies in local development plans substantively out of date. Planning Authorities will, therefore, be under an immediate imperative to grant planning permission for virtually any application submitted, with potentially long-term damaging environmental consequences. This also creates uncertainty as to the effect and weight of “out of date” policies and plans.

3.13 WWF is also concerned about the requirement that the presumption should apply unless the adverse impacts of allowing development would “significantly and demonstrably outweigh the benefits”, when assessed against the policies in the NPPF taken as a whole. There is no guidance as to what this wording means. This approach would involve the decision-maker in first identifying the benefits of development and its adverse impacts. It would then need to exercise planning judgment to balance the two, but refusal would only be merited if it could be actually demonstrated that the adverse impacts outweighed the benefits not simply by some degree but by a significant margin. This is an imprecise test, which will depend to a large degree on the weight which is attached to the various components. The practical effect is almost certainly to favour development which is able to point to some economic benefits, unless there is a very strong and clear cut environmental or sustainability objection. This would be difficult to prove and places an enormous burden on local authorities and/or objectors to provide sufficient evidence to demonstrate significant adverse impacts.

3.14 Whilst WWF is reassured to note that Natura 2000 sites and nationally important Sites of Special Scientific Interest (paragraph 166) appear to be afforded a level of protection in the draft NPPF, it would appear that “everything else” (notably sites of regional and/or local importance such as Local Nature Reserves and

47 WWF is reluctant to call it a presumption in favour of sustainable development, because we believe that the term “sustainable development” has been misused.


49 It should be noted that the existing sustainable development duty under Section 39 of the Planning and Compulsory Purchase Act 2004 has been heavily criticised in its effect because of vague terminology and uncertainty in application. As the authors of the Guide to the Planning and Compulsory Purchase Act have pointed out, the breadth of approach to defining sustainable development in PPS 1 “…means that almost any project, falling short of wanton vandalism, is capable of being defined as sustainable.” (see Tromans, Edwards, Harwood & Thornton, Planning and Compulsory Purchase Act 2004: A Guide to the New Law (Law Society Publishing 2005) page 63).
Wildlife Sites) are seemingly “open game” for development. This has the potential to significantly and irreversibly change the nature and character of the countryside and the open spaces of towns and cities.

3.15 WWF believes the current presumption contradicts the stated aim of the Coalition Government to empower local communities through Localism. Rather than providing local authorities and communities with the freedom to properly assess the various needs of their areas and plan for development and use of land to effectively and sustainably meet those needs, the presumption is a strong direction from central government that development which provides economic benefits or contributes to growth must be approved.

3.16 Local planning authorities must be encouraged to undertake a thorough, transparent and inclusive process of planning for their area in order to ensure that the public interest is properly represented and that planning decisions are decided on their merits. There is already a presumption in favour of the development plan, as established by section 38(6) of the Planning and Compulsory Purchase Act 2004 (the PCP Act). This must continue to be the predominant approach to deciding planning applications—that an application which accords with the development plan should be approved, unless material considerations indicate otherwise. The presumption in favour of development should be a mechanism which is only triggered as a measure of last resort. It should only be applicable in exceptional circumstances where there are no other policies or evidence against which an application can be assessed.

3.17 WWF submits that if the presumption is to remain in the draft NPPF, significant changes are required to make it acceptable. These include the following:

3.17.1 the NPPF must contain a robust definition of sustainable development, which includes the principles from the SD Strategy and ensures that economic, social and environmental are given equal consideration in decision making. The attainment of economic benefits and growth must not be prioritised;

3.17.2 there must be recognition of the need to live within environmental limits, both local and global. Growth that is not within environmental limits cannot be sustainable;

3.17.3 the circumstances in which the presumption will apply must be reconsidered and clearly defined. The presumption should include “sustainability criteria” against which a proposed development could be tested in order to demonstrate objectively that development is sustainable and, therefore, that the presumption will apply;

3.17.4 local planning authorities should not be required to include the presumption within their Local Plans or use it as the starting point for decision making. If the Local Plan is to truly take precedence in this new system, then the presumption should only be used as a measure of last resort and paragraph 15 of the draft NPPF should be removed;

3.17.5 transitional provisions should be developed which allow a period of time for local planning authorities to update their local development documents so that they are in conformity with the NPPF before the presumption will apply; and

3.17.6 repetition of the presumption throughout other policy sections of the draft NPPF must be removed.

4. Are the “core planning principles” clearly and appropriately expressed?

4.1 Some of the “core planning principles” are clearly expressed, however, others are vague and uncertain, eg taking account of the environmental quality or value of land or supporting improvements in health and wellbeing. Once again, it appears that the draft NPPF is sufficiently clear on policies and principles with an economic focus and which the Government wish to have a predominant influence in the planning system, but not on others.

4.2 However, WWF questions whether the “principles” listed are appropriate. It does not appear that much consideration was given to the document, “The Planning System: General Principles”, which accompanies PPS1. Key principles are omitted, such as:

4.2.1 principles of sustainable development and complying with the duty in section 39 of the PCP Act;

4.2.2 the role of material considerations in decision making and how they are to be taken into account;\footnote{WWF considers that relevant principles could be drawn from paragraphs 7 and 11 to 16 of The Planning System: General Principles, http://www.communities.gov.uk/documents/planningandbuilding/pdf/147396.pdf}

4.2.3 prematurity—where it may be justifiable to refuse development if the development plan is being developed and approving a development may prejudice the plan;

4.2.4 the role of the Secretary of State and circumstances in which planning applications can be called in for consideration;

4.2.5 accountability and propriety of local authority members, their role in representing the interests of their communities and only taking into account planning considerations;

4.2.6 consideration of private vs public interests; and

4.2.7 public engagement and participation, transparency, and inclusivity.
4.3 WWF does not believe the second core principle (or that the presumption) should be repeated here. Planning is not about merely driving development—it should manage competing interests in the development and use of land and the impacts that human activities have on the environment.

4.4 WWF also does not concur that market signals affecting the viability of development, (such as land prices, commercial rents and housing affordability) should be categorised as a “core planning principle”. Whilst such factors may be relevant, depending on the circumstances of a particular proposal, they should not drive the decision making process.

5. Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

5.1 WWF believes there is substantive failure to link national planning policy with other relevant and important national policies, objectives and strategies. As highlighted above, there is no reference to the SD Strategy or to more recent national policy on sustainable development.\(^5\) Similarly, there is scant mention of national policy and strategy on energy and climate change, with only passing reference to Energy National Policy Statements and zero carbon homes. There is no mention of requirements regarding renewable energy targets or greenhouse gas emission targets and how planning can contribute to delivery of these targets.

5.2 There is a complete failure to identify how the draft NPPF can help to deliver recent policy developments on the natural environment, such as the Natural Environment White Paper (NEWP) and the National Ecosystem Assessment, despite the many opportunities where links could be made. For example, paragraph 19 states “Where practical and consistent with other objectives, allocations of land for development should prefer land of lesser environmental value”. This is a perfect opportunity to link the wildlife networks advocated in the NEWP with the draft NPPF but no such link has been made. Similarly, the draft NPPF makes a welcome reference to mixed use developments in paragraph 19, which would also benefit from being linked to the implementation of the NEWP as such developments could be explicitly targeted to areas that have been identified as corridors/linking areas. Within the paragraphs on strategic planning, there is no mention of Local Nature Partnerships or Nature Improvement Areas which WWF considers a missed opportunity, particularly considering that strategic planning will be a crucial mechanism to ensure these tools are effectively implemented.

5.3 WWF welcomes the recognition that it is essential to ensure early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses in the development of local plans (paragraph 25). This is in accordance with the provisions of the second pillar of the Aarhus Convention,\(^5\) which the UK ratified in 2005.

6. Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

6.1 The Localism Bill will abolish regional planning and replace it with the duty to cooperate, which will apply to local planning authorities and other prescribed bodies. The NPPF is also a crucial component of the new framework for strategic planning because the duty to cooperate must be supported by clear and robust policy. WWF is heavily engaged in the development of the provisions on the duty to cooperate to try and strengthen it. We strongly believe that both the duty and the draft NPPF must require local authorities to progress beyond the act of consultation through the exchange of information and to proactively seek cooperation with others to address strategic matters across boundaries. Voluntary arrangements for strategic planning may not be sufficient in allowing local authorities to resolve contentious issues that impact across administrative boundaries.

6.2 WWF considers that the policies on strategic planning in the draft NPPF go some way to helping provide a suitable framework. However, given that this is a relatively new policy area, we believe more detailed guidance will be required to assist local authorities to understand how compliance with the duty to cooperate can be achieved. Some areas that we consider will require further guidance include:

6.2.1 understanding what activities are included within a “strategic matter” or what may lead to impacts affecting more than one local authority, particularly to capture impacts that may apply beyond neighbouring areas and the provision of infrastructure;

6.2.2 what circumstances may give rise to joint working, what working collaboratively may encompass and the tools available to help facilitate this in practice;

6.2.3 how joint development documents or joint approaches may be developed, what they could include and how they could be implemented;

6.2.4 the differing roles and responsibilities of each of the authorities, partnerships or other persons who are to be involved in strategic planning;

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51 Such as the vision for sustainable development and package of measures in “Mainstreaming Sustainable Development”, published by Defra on 28 February 2011. WWF notes that it is not clear how the draft NPPF has been assessed against the Government’s vision for sustainable development, which is meant to completed as part of the measure for “Enhancing ministerial leadership and oversight”.

52 The UNECE Convention on Access to Environmental Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
6.2.5 what evidence local authorities will be required to collect to demonstrate that they have successfully cooperated and how an inspector will consider this evidence in the examination of local development documents; and

6.2.6 what integration between marine and terrestrial planning may mean in practice, how local authorities and the Marine Management Organisation should work together to address impacts that cross the land and sea interface.

6.3 In our discussions on the duty to cooperate, WWF proposed that local authority monitoring reports be required to contain the information necessary to enable the public to assess their local authority’s performance in planning beyond their area and developing joint solutions to address cross boundary issues. The electorate is expected to play an increasingly important role in scrutinising local authorities and holding them to account for planning performance and decisions. We are pleased to see that this has been taken on board by the Government in the draft Local Planning Regulations currently being consulted on. However, we consider that more guidance may be required to assist local authorities in developing the information to be included within monitoring reports and to fully and properly represent their action on strategic planning. It is essential that the information provided in the monitoring reports encourages greater participation of the public in local planning and decision-making.

6.4 WWF remains concerned that in an effort to be less prescriptive, the framework for strategic planning will not provide solutions to situations where local authorities just cannot agree or cooperate. More consideration needs to be given to what sanctions may be applicable in these cases, how disputes may be resolved and how local authorities can be held to account. WWF is not convinced that failing to pass the soundness test for a local plan or the application of the presumption will be appropriate sanctions in all cases. There may be times where more forceful intervention is required to ensure that local authorities properly work together to address strategic matters.

7. Are the policies contained in the NPPF sufficiently evidence-based?

7.1 WWF considers that it is difficult to know whether the policies in the draft NPPF are sufficiently evidence based. It appears that in an attempt to reduce pages and words within the document, references to any evidence used to form the policies have been excluded. It would be useful to know upon what evidence the draft NPPF has been based and how such evidence has influenced the policies included.

September 2011

Written evidence from the Campaign to Protect Rural England

SUMMARY

1. The Campaign to Protect Rural England (CPRE) believes that the current draft National Planning Policy Framework (NPPF) is not fit for purpose. We support the Government’s aims to promote localism and consolidate national planning policy. In our view, however, the draft NPPF is deeply flawed and puts ordinary, undesignated countryside at risk from inappropriate development by weakening existing policies.

2. We believe the document needs substantial revisions. In making recommendations to the Government about the NPPF we propose that the Committee considers the following specific points:

   — The presumption in favour of sustainable development should be re-drafted to make clearer when planning permission can justifiably be refused. To provide such clarification the document should include a definition of sustainable development based on the five principles set out in the Government’s UK Sustainable Development Strategy.

   — The NPPF should recognise the importance of the countryside as a whole for its intrinsic value, and not just those areas that are nationally designated.

   — The existing “brownfield first” policy should be retained so that land is used efficiently by ensuring previously developed land is used to meet development needs before greenfield sites.

   — The transport section should be revised to make it consistent with the core transport principle stated in paragraph 19 of the draft. It should recognise that addressing transport impacts is often critical in securing sustainable development rather than making them irrelevant unless shown to be “severe”.

INTRODUCTION

3. CPRE welcomes the opportunity to submit evidence to the Communities and Local Government Committee’s inquiry into the National Planning Policy Framework (NPPF). As a leading environmental charity, we have worked to promote and protect the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources since our formation in 1926. We are one of the country’s leading voluntary sector participants in the planning system, with branches in every English county and local groups in most current local authority districts.
A brief general assessment of the fitness for purpose of the draft Framework as a whole

4. We believe that national planning policy is a critical element in ensuring sustainable use of land. CPRE supports the Government’s stated objectives of making national planning policy more localist, proportionate and user-friendly. We also recognise the need to promote sustainable economic development. We feel strongly, however, that the draft policy runs contrary to a number of Government pledges on the environment and will not deliver development that is truly sustainable.

5. Overall, we do not think that the consultation draft NPPF is fit for purpose as a statement of national planning policy. There are a number of fundamental issues which the Government needs to address before this is achieved. We set out the detail of these concerns in the rest of this submission.

Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

6. We are concerned that the draft NPPF does not give sufficient guidance to local planning authorities to ensure that future development will be truly sustainable. While we recognise the need for national planning policy to be consolidated, we are concerned that the Government’s aspirations for brevity mean that important details, that would help guide local planning authorities in their policy and decision-making, have been lost.

7. An illustration of this is that the presumption in favour of sustainable development is not linked to explicit criteria on how development might be shown to be either sustainable or unsustainable. The introduction of standards alongside the presumption was promised in the Conservative Green Paper criteria on how development might be shown to be sustainable or unsustainable. The introduction of details, that would help guide local planning authorities in their policy and decision-making, have been lost.

Are the “core planning principles” clearly and appropriately expressed?

9. CPRE welcomes aspects of the core planning principles expressed in paragraph 19, in particular those on local plans, mixed use development, transport, well-being and amenity, respectively. For the document to be a self-contained expression of the Government’s approach to sustainable development, however, CPRE recommends that the key principles of the 2005 UK Strategy should be reiterated at this point. This could be achieved by integrating them with the core planning principles.

10. Other draft core principles are also, we believe, likely to need alteration. In particular, the second principle on development should state clearly that only responsible, sustainable development that has benefited from a level of public involvement proportionate to the public interest in the application, and also provided that no relevant local or national policies are not compromised, should be approved. Additionally, the intrinsic value of land, including all countryside, should also be recognised. Land should be used efficiently as well as effectively, and along with other non-renewable resources its use should be managed, and where appropriate restricted, through development planning.

11. The principle under the sixth bullet point should be amended to ensure that, in making effective use of land, planning policies and decisions seeks to re-use land that has been previously developed.

Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

12. The current draft of the presumption is, in CPRE’s view, little more than a presumption in favour of development, with minimal or no regard as to whether the development is genuinely sustainable in environmental terms. There is no clear definition of sustainable development within the draft NPPF and readers are expected to read across the whole document to understand what it means in practice (see above). The Brundtland Commission definition of sustainable development is set out, as it already is in PPS1, but this is insufficient. We believe it is crucial, if the NPPF is intended to be the Government’s future definitive statement on planning and sustainable development, that it should reiterate the five core principles of the 2005 UK Sustainable Development Strategy.

13. We are also concerned that the presumption in favour, as presently drafted, could turn back the clock in planning policy terms to the late 1980s, where a presumption in favour of granting planning permission was set in Government policy.
14. In particular, we believe that there is a grave risk of developers resorting to the planning appeals process to a significantly greater degree than has been the case since the introduction of the plan-led system of development control in 1991. If this took place it would be the exact antithesis of localism and of the Minister’s desire for “fewer appeals to the Planning Inspectorate and more decided locally” (House of Commons Hansard 17 May 2011). It would also contradict the Government’s stated desire for a fast, efficient and more certain planning system. The risk of the presumption leading to more appeals has been noted in the Government impact assessment for the NPPF, but it stated that “it is difficult to quantify the scale of this risk”.

15. The head of planning at British Land (a company which has openly supported the reform) has recently noted that in the 1980s, when there had previously been a policy presumption in favour of development, the number of appeals had risen to 30,000 a year (compared to around 16,500 appeals being submitted in 2010–11). He stated that “it (the NPPF as drafted) will often provide a basis for applicants to appeal because they believe it offers a route to the approvals they want” (quoted at planningresource.co.uk, article dated 6 September 2011).

16. From CPRE analysis of the Government’s development control statistics (see Annex, table 1) from the late 1980s, when the general presumption in favour of development was most recently in force, we have concluded that the proposed presumption would be likely to lead to a considerable increase in the number of appeals against referrals of planning permission. If the economy recovers as the Government intends, and no additional resources are provided to ensure comprehensive local plan coverage, a potential return to the 32,000 mark last seen in 1989–90 is a likely scenario. This would represent a near doubling of the number of appeals submitted in 2010–11.

17. We are also concerned that developers are likely to use the planning appeals system as a means to pressure local authorities into granting planning permission, even where an appeal is not taken through to a final decision. A particular characteristic of planning in the late 1980s was the high figure of appeals that were withdrawn (between five and nine times more than in 2010–11). Alongside this it should be remembered that in the 1980s, as now, the vast majority of planning applications (at least 80% in each year) have been approved.

18. Not only would such an outcome frustrate the achievement of local objectives for development—the reverse of localism—it could also significantly add to the current cost of the appeals system (£29 million in the year 2009–10). There are also further costs for local authorities and community groups resulting from an increased need to respond to planning appeals, which are often likely to frustrate attempts to prepare an up-to-date plan. This is of particular concern given the fact that a majority of local authorities do not have a sound or adopted plan (as noted on pp 20–22 of the Government’s Impact Assessment which accompanies the draft NPPF).

19. We are not convinced that, in the short term at least, the Government’s proposed neighbourhood plans will plug the policy gap in order to prevent a greater resort to planning appeals. It is therefore vital from CPRE’s point of view that the presumption in favour of sustainable development is completely redrafted. The Government should also give greater positive support, both financially and through the NPPF, for area-wide local planning.

20. The main issues that we believe need addressing are:

— For the presumption to be clearly in favour of sustainable development, CPRE believes that there should be a requirement for developers to demonstrate that their proposal is genuinely sustainable, not merely that the proposal does not have an adverse impact on the policies in the NPPF.

— The policy should recognise cases where a local authority has made significant progress towards adopting a plan, and that delays to planning decisions can often be caused primarily by the actions of developers rather than local authorities. The draft wording could be taken to suggest that a local authority would be generally required to grant permission unless a plan had actually been adopted, or even in cases where delay had been caused by developer intransigence.

— It should be specific about why a plan might have been superseded, rather than using the term “out of date” which is particularly likely to result in greater resort to appealing or a raft of litigation, not only in relation to individual applications but potentially also to the adoption of plans.

— The requirement for decision makers to demonstrate that “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” when refusing planning applications is at best unclear and at worst unreasonably onerous. Although the draft states that planning policies and decisions should be “compatible with, and where appropriate further” the achievement of relevant statutory obligations, the policy would not in our view help with the implementation of many such obligations, for example on Environmental Impact Assessment. Instead, it should be made clear that only policies in the NPPF that are relevant to the application at hand should be weighted into any assessment. This would fit neatly with the existing planning law requirement to decide applications in accordance with the development plan and any material (ie relevant) considerations.

21. A possible approach may be to reverse the presumption in relation to planning applications that, for example, are clear departures from an adopted plan; which cannot show community support; or which impinge on environmental constraints. As the Encyclopaedia of Planning Law & Practice points out, “a presumption in favour of the plan is irreconcilable with a general presumption in favour of development. It is, if anything, a
presumption in favour of development that accords with the plan; and a presumption against development that does not” (original emphasis). This may be an area where CPRE has common ground with the developer interests that strongly support the introduction of the proposed presumption. In a debate on the Guardian website on 31 August, the Chief Executive of the British Property Federation stated that “we absolutely agree” with a CPRE posting that stated: “any presumption in favour of sustainable development has to be accompanied by an equally strong presumption against unsustainable development.”

**Does the NPPF serve to integrate national planning policy across Government Departments?**

22. We do not believe that the NPPF integrates national planning policy across Departments. The lack of clear definition of sustainable development, for example, undermines the achievement of the Government’s 2005 UK Sustainable Development Strategy.

23. CPRE estimates that the countryside outside designated areas covers at least half (52–58%) of all England’s countryside. The draft NPPF does not refer to protecting the countryside “for the sake of its intrinsic character” (as currently stated in Policy EC6.1 in Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth) or to strictly controlling development outside existing settlements (ibid., Policy EC6.2). CPRE believes that these policies need to be restored, otherwise planning protection would be weakened in the English countryside outside nationally designated areas. This appears to be at clear odds with the commitment made in the Government’s June 2011 White Paper The Natural Choice: securing the value of nature to maintain protection and enhancement of the natural environment as objectives for national planning policy, with the “natural environment” encompassing all farm land and forests, or in other words all countryside.

24. We are also particularly interested in the impact of paragraph 13 of the draft NPPF, specifically that “significant weight should be placed on the need to support economic growth through the planning system” and paragraph 14, which states that “All of these policies should apply 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.” These paragraphs change the meaning of sustainable development and, arguably, trump both the Brundtland definition, included in the NPPF, and the 2005 Strategy.

25. We are very concerned that these paragraphs may represent a fundamental shift in planning policy away from recognition of the need to protect the intrinsic value of the countryside to a position where value has to be justified on the grounds of evidence in each and every case.

26. Another notable sources of inconsistency between the NPPF and other recent Government policy documents can be found in the Treasury Plan for Growth, and the National Policy Statement EN-1 on overarching energy development published by the Department for Energy and Climate Change (DECC). Both of these documents refer to the benefits of using brownfield land before greenfield. It may also be relevant that the draft policy statement on gypsy and traveller development, issued in April 2011 and about a month before the publication of the Practitioner Advisory Group draft NPPF, includes the following points established in current planning policy but not the draft NPPF:

- Previously developed land should be preferred to greenfield for new development.
- Development in the countryside outside existing settlements should be strictly controlled.
- There is a general presumption against inappropriate development in Green Belts.

27. We strongly welcome the fact that the NPPF core principle covering transport reflects PPS1 and seeks “to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This principle which reflects existing Department for Transport policy is, however, contradicted by the transport section which is considerably weaker. Not only is the principle heavily qualified within this section, including the key test to reduce carbon emissions, but it refers to “sustainable transport”, defined as “any means of transport with low impact on the environment, including walking and cycling, green or low emission vehicles, car sharing and public transport.” We believe it should require local authorities to plan to reduce car dependency and promote alternative, sustainable, modes of transport such as walking, cycling and public transport.

28. Worse still, the transport section uniquely amongst the NPPF’s policy sections has a further test that goes even further than the presumption of sustainable development in enabling unsustainable development. Paragraph 86 states that “development should not be prevented or refused on transport grounds unless the residual impacts of development are severe.” This would, for example, make it near impossible to use land use planning as a tool to reduce carbon emissions from transport. The emissions from individual unsustainable planning applications would always be a tiny proportion of national emissions and so could not be held to be “severe”. The Committee on Climate Change has stressed the importance of planning to reduce emissions in the longer term, something that would no longer be possible if the NPPF was approved in its current form.

29. CPRE has long promoted the strong relationship between a brownfield first approach, dense mixed use development, town centre first and reducing the need to travel. These ideas can be grouped together within the theories or slogans of Smart Growth or “towns of short trips” (“Stadt der kurzen Wege”), which are important in North American and German speaking countries respectively. A similar approach that fits well with economic and nudge theory is to focus on giving sustainable travel modes “comparative advantages” over driving, through
better planning that increases accessibility (such as by promoting walkable mixed use higher density developments) and creates quality public spaces not dominated by motor traffic.

Are the policies contained in the NPPF sufficiently evidence-based?

30. CPRE believes that the Government has omitted to take into account a number of key areas of evidence necessary to underpin a sound NPPF. In particular, we do not believe that the Government’s claims that the planning system is currently a barrier to growth is sufficiently evidence-based. We are concerned that this claim underpins the development of the draft NPPF and the reforms more widely. Government statistics show that for at least a decade more than eight in ten planning applications are granted and the figure for major commercial applications, critical for economic growth, is higher at around 90%. As highlighted above we are concerned that the introduction of the presumption, as currently worded, would lead to greater uncertainty for developers and local authorities.

31. In addition to our points above, a further consequence of the omission of a definition of sustainable development, or any reference to the 2005 Strategy, in the draft NPPF, is an apparent omission of a large body of evidence relevant to planning for sustainable development.

32. For example, environmental capacity and limits can be seen to be particularly pressing issues in the South East and East of England. A major Government-sponsored study by UK Foresight, published in February 2010, noted the serious levels of water stress in most of the South East and much of the East of England.53 This followed a further study by Entec for Defra in 2004 found that a major increase in the supply of housing would have a number of consequences ranging from increased mineral and water extraction to production of waste.54

33. Studies carried out by Land Use Consultants for CPRE in 2007 show a similar picture of stress in many English regions in relation to other important indicators of environmental quality, such as visual and noise pollution. That is why we are able to support the reference to the protection of tranquillity in the draft NPPF, though on the basis of our research we believe the definition of “tranquillity” should cover visual intrusion as well as noise pollution.

34. If the Government is serious about promoting genuinely sustainable development then the NPPF needs to advocate appropriate development that minimises its environmental impacts. We fear that the language in the draft about viability, that seeks to ensure that requirements placed on developers do not prevent “acceptable returns” (paragraph 39) will lead to developers arguing that they should not be required to adhere to high environmental standards or deliver as much affordable housing as they might otherwise have been expected to.

35. We are greatly concerned about the lack of any reference in the draft NPPF to a preference for the redevelopment of previously developed land before greenfield development, and the proposed new, more onerous requirements for local authorities to identify five years’ worth of developable land for new housing, with an additional allowance of 20%. The latter requirement is in addition to the draft NPPF discouraging the use of “windfall” allowances in local plan site allocations (ie for brownfield sites which are not allocated in a plan but subsequently become available for development).

36. Moreover, CPRE does not think that an additional 20% requirement is justified, either in terms of its effect on adopted local plans or in terms of providing more housing. The introduction of the requirement is likely to force local authorities into conducting more controversial and expensive consultation exercises on housing land supply than under present requirements; and a number of councils with an adopted plan would be required to revisit their housing policies in order to meet it, or be forced to approve applications that went against local policies.

37. We are also concerned that the more land local authorities have to allocate, especially as it is proposed that in general they will not be allowed to take windfall sites into consideration, the greater pressure there will be to allocate greenfield and potentially Green Belt land for housing. Such allocations would, in many cases, also undermine aspirations for urban regeneration as developers are likely to “cherry pick” greenfield sites as they are generally easier to development and more profitable.

September 2011

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53 UK Foresight, Land Use Futures: Making the most of land in the 21st century, Final Project Report February 2010, p 112.
54 Department for Environment Food and Rural Affairs (Defra), Study into the Environmental Impacts of Increasing the Supply of Housing in the UK, Final Report by Entec, Hodkinson, and Eftec, April 2004.
Table 1
NUMBERS OF PLANNING APPEALS IN 2010–11 COMPARED TO THE LATE 1980s

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of planning applications received (000s)</th>
<th>Number of appeals received</th>
<th>Number of appeals decided</th>
<th>Number of appeals withdrawn</th>
<th>Number of appeals allowed</th>
<th>% of appeals allowed as proportion of those decided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986–87</td>
<td>536</td>
<td>19,856</td>
<td>15,613</td>
<td>2,533</td>
<td>6,208</td>
<td>39.8</td>
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<td>1987–88</td>
<td>598</td>
<td>22,482</td>
<td>18,474</td>
<td>3,173</td>
<td>6,955</td>
<td>37.6</td>
</tr>
<tr>
<td>1988–89</td>
<td>681</td>
<td>28,659</td>
<td>21,061</td>
<td>4,257</td>
<td>7,734</td>
<td>36.7</td>
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<tr>
<td>1989–90</td>
<td>627</td>
<td>32,281</td>
<td>26,481</td>
<td>4,627</td>
<td>8,852</td>
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<tr>
<td>1990–91</td>
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<td>26,692</td>
<td>26,393</td>
<td>3,907</td>
<td>8,871</td>
<td>33.6</td>
</tr>
<tr>
<td>2010–11</td>
<td>483</td>
<td>16,549</td>
<td>15,838</td>
<td>526</td>
<td>5,194</td>
<td>32</td>
</tr>
</tbody>
</table>


Written evidence from the Campaign for Better Transport

This submission considers the draft National Planning Policy Framework from a transport point of view. In our opinion the shortcomings of the NPPF are so severe and so numerous that the Government should abandon the current draft and start again.

The process of producing a new statement of planning policy has been seriously at fault. Despite inviting early views on the form and content of the proposed NPPF there is no evidence that account has been taken in the draft of anything but a narrow range of interests.

The process continues to be unsatisfactory. Many of the questions posed in the consultation document are leading questions. In the first question for example, responses are invited on whether “The Framework has the right approach to establishing and defining the presumption in favour of sustainable development” and not on whether there should be a presumption of sustainable development in the first place.

Summary

— Despite its critical importance to the NPPF the meaning of “sustainable development” is not clear and sustainable development is subordinated to the promotion of short-term economic growth and development.

— The NPPF moves away from sustainable development in transport terms and will allow more sprawl and congestion in the following ways:
  — The needs test for out-of-town retail development has not been re-introduced and the “town centre first” sequential test is no longer to apply to commercial office development, opening the way for business parks in out-of-town locations where they will generate traffic.
  — Development which facilitates sustainable transport is only supported “where reasonable” and walking and cycling and the needs of disabled people are only prioritised “where practical”.
  — National standards for transport assessments and travel plans for developments that generate significant travel are to be abandoned and national parking standards are to be abolished.
  — Development can only be refused on traffic grounds if the impact is severe and not outweighed by the need to provide homes and economic development.
  — Density standards and the requirement to locate development on brownfield land are abandoned and policies move away from the “smart growth”, “compact city” approach gaining ground in other countries.
  — There are serious omissions in the NPPF. For instance, the definition of sustainable development does not include reducing carbon emissions from transport, the Framework lacks a vision of a pattern of development that would promote sustainable transport and does not include policies for existing development.
  — The NPPF is poorly integrated with other policy areas. It would fail to promote urban regeneration or protect rural areas and does not take account of likely resource constraints. For example the Department for Transport does not have the funds to build the roads on which development likely to be permitted by the NPPF would depend.

The remainder of this submission considers the NPPF under various headings mostly from the NPPF itself. The numbers in brackets refer to paragraph numbers in the draft NPPF.
Delivering Sustainable Development

The NPPF states that the planning system is required to do everything it can to support growth. It places a presumption in favour of sustainable development at the heart of the planning system. However, the meaning of “sustainable development” is unclear in the passage where its meaning is purportedly explained (10) and elsewhere it is said in practice to be the “policies in this Framework” “taken as a whole” (12).

Yet the presumption in favour of sustainable development is critical to the planning framework and the transport and other implications of a development proposal are to be judged by whether or not they are sustainable.

In practice the concept of sustainable development is distorted to assist policies to promote economic growth and development. The planning system will be required to do “everything it can to support sustainable economic growth” (13). Development is to be approved “wherever possible” and “without delay”. (14) Development is only to be rejected “when assessed against the policies in this Framework taken as a whole” (14).

The threshold for rejecting development is set at a demanding height: “these policies should apply 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” (14).

The NPPF presents a set of “core planning principles” one of which is to “actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. However, it is not clear whether these are the same as the “key sustainable development principles” mentioned elsewhere in this paragraph “Decision-takers at every level should assume that the default answer to development proposals is ‘yes’, except where this would compromise the key sustainable development principles set out in this Framework” (19).

Plan Making

The test for rejecting pro-development local or neighbourhood plans is also set too high and is too vague: “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, when assessed against the policies in this Framework taken as a whole” (20).

Neighbourhood Plans will only be able to promote more, not less, development than envisaged in the local plan. Local plans will require a statement of conformity with the NPPF and in the absence of an up-to-date and consistent local plan—the vast majority of local authorities—planning applications will be determined in accordance with the NPPF.

Planning for Prosperity

In transport terms, the draft NPPF moves firmly away from sustainable development. It will allow more sprawl and congestion. The needs test, which required developers to demonstrate a need for out-of-town retail development has not been re-introduced despite an undertaking from the Conservatives before the election.56

The sequential or town-centre first test is no longer to apply to office and other commercial development opening the way for business parks in out-of-town locations such as motorway junctions where they will generate traffic and are less likely to be accessible by public transport (77–78). Research commissioned by Campaign for Better Transport discovered that building a number of new business parks next to the M1, which the new planning framework would permit, could increase traffic levels by 16% (the equivalent of one motorway lane) and almost double journey delays.57

Transport

The draft NPPF recognises that some policies and proposals will not maximise “sustainable transport solutions” (82). It supports a pattern of development which facilitates the use of sustainable transport but only “where practical” or “where reasonable to do so” (83). Development is only required to be located and designed to give priority to pedestrian and cyclist movements and consider the needs of disabled people “where practical” (89).

National requirements for development proposals to have a Transport Statement or Assessment are to be abandoned and in future the need is to be determined by local criteria (86). The need for a travel plan for all developments that generate significant amounts of movement is also to be determined by local criteria (90).

55 “At the end of May 2011, 30% of local planning authorities had adopted a core strategy. A further 23% had published a draft plan.” Database on Local Development Frameworks, CLG, August 2011
56 “We will undo Labour’s changes to planning rules which have weakened councils’ ability to stop unwanted out-of-town development. We will ensure that a needs test is readopted…” Open Source Planning, February 2010
57 http://www.bettertransport.org.uk/media/aug-30-congestion-M1
Planning policies and decisions that minimise the need to travel and maximise walking, cycling and public transport are compromised by being required to take into account "policies set out elsewhere in this Framework" (for example those in support of economic development) (88).

CLG put out a press release on the changes to parking policy on 1 August, saying that standards on parking will be scrapped, thus effectively prejudging the consultation on the draft NPPF. National maximum parking standards are to be abolished and local authorities will be able to set their own standards which could be for minimum instead of maximum standards. Car-dependent developments with large amounts of parking and poorly accessible by sustainable modes will be acceptable (93).

Evidence shows that provision of parking is important in determining travel patterns. Maximum parking standards for commercial development have been shown to be effective, particularly when allied to travel plans, in promoting development that enhances rather than undermines town centres and minimizes single occupancy car use. National car parking standards, part of PPG 13, are not mentioned at all in the Framework. They also have been abandoned and will be determined locally. Planning authorities will be free to set minimum parking standards if they wish.

Meanwhile, the NPPF proposes that it should be difficult to refuse an application that would result in higher levels of traffic and congestion. The proposed test for rejection of development on traffic impact grounds is very demanding: "development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account" (86). The test also ignores the possible cumulative effect of a number of smaller developments.

**Housing**

The NPPF implicitly rejects the "smart growth" or "compact city" approach gaining ground in the US and elsewhere in Europe.

The requirements for development to occur on brownfield land and to locate development in, or adjacent to, existing urban areas appear to have been abandoned. Policies to ensure housing development is located in, or near, existing built areas are weak (19, 126).

There are no longer any national density standards and instead "Local planning authorities should .... set out their own approach to housing density to reflect local circumstance" (109). This means it will be more difficult to create the high quality, compact and walkable neighbourhoods that can support local shops and services. In addition, more compact neighbourhoods can help reduce the need for subsidising public transport networks by providing greater catchments of people near to stations and bus and tram stops.

**Design**

The sections on design restrict local authorities’ abilities to "promote the highest standards of architecture and design", which was promised in the Conservatives’ Open Source Planning document before the election.

From a transport point of view, this section should also consider the design of streets and the public realm, and their transport implications (consistent with Manual for Streets and Manual for Streets 2). It should include reducing clutter and the potential for “filtered permeability” to give higher priority to pedestrians and cyclists, which would be consistent with paragraph 89 of the transport section. In particular, this means prioritising people over traffic in the design of development and the allocation of road space.

**Sustainable Communities**

This section sets out welcome policies on planning to provide accessible local services, to prevent the loss of valued facilities meeting the community’s day-to-day needs and to create accessible development “containing clear and legible pedestrian routes, and high quality public space”. (124,125 & 126) However it also envisages large scale development in, perhaps remote, less sustainable locations. (126)

Paragraph 127 would mean that it would be very difficult to stop planning applications for new schools, such as free schools, and the restriction that only “planning impacts” can be considered could mean that, for instance, traffic and road safety impacts would not be valid concerns.

**What the NPPF Leaves Out**

The omissions of the NPPF are as serious as its shortcomings. The NPPF lacks a definition of sustainable development that includes reducing carbon emissions from transport. It has no vision of a pattern of development that would promote sustainable transport and acknowledge that this will largely mean urban development. It fails to mention the importance of a hierarchy of town, local and neighbourhood centres in reducing the need to travel or to set out a pattern of development that encourages walking and cycling. It does not explicitly oppose out-of-town development accessible only by car.

The enterprise zones should be covered by the NPPF to ensure that they fit with the aims of national policy with regard to the location of major developments and to prevent harmful impacts on transport networks. The
mistakes of the 1980s when EZs effectively subsidised regional out-of-town shopping centres, such as Metrocentre, Meadowhall and Merry Hill, which have had a lasting and unsustainable effect on patterns of development and travel, must not be repeated.

Many developers would be prepared to locate development in urban areas and contribute to a reduction in car use. But local authorities lack the bargaining power to secure this sort of development. The NPPF fails to give it to them, rather it undermines their position by abandoning national standards for parking, density, transport assessment and travel plans.

The focus of the NPPF is on new development and it lacks policies that apply to existing development.

INTEGRATION WITH OTHER POLICY AREAS

The NPPF is poorly integrated with other policy areas. In failing to create the basis for the improvement of urban development, it spurs opportunities to promote town centre regeneration on the one hand or protect rural areas on the other. This may serve short-term financial interests but will not create conditions attractive to longer-term investment. Arguably therefore, the NPPF will not achieve its avowed aim of planning for prosperity.

The NPPF does not appear to take likely resource constraints on future decisions into account (for example: lower levels of public expenditure which will make infrastructure improvements after development difficult; higher energy costs; potential scarcity of land for development). Finally, the Department for Transport has neither the funding nor the will to build the roads on which development likely to be permitted by the draft NPPF would depend.

September 2011

Written evidence from Shelter

I. SUMMARY

1. Shelter welcomes the committee’s decision to hold an inquiry into the National Planning Policy Framework (NPPF). As the leading housing charity, campaigning across all tenures to bring an end to homelessness and bad housing, we draw on the experience of our front-line advice and support services in the development of our policy and research expertise. At the core of many of the problems we see—ranging from a lack of truly affordable rental accommodation, to high repossession rates and social housing waiting lists—is the ongoing critical lack of suitable homes and insufficient levels of supply. This is particularly true of affordable and social rented housing. In 2010–11 a record low of 105,000 new homes were delivered—the lowest level in any peacetime year since 1924—and just 23,800 of these were social rented homes.

2. As a result, Shelter welcomes the Government’s commitment to “increase significantly the delivery of new homes”58. We also support the sentiment that “everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live”.59 The proposed planning changes show a welcome commitment to tackling to our chronic shortage of housing. Shelter believes we must take this opportunity for proper reform so we can build the homes needed without delay.

3. For this aspiration to be achieved, the Government needs to set out clear planning guidance to accompany the NPPF, which needs to be sufficiently detailed. We want to see planning reform deliver housing in the right places, of the right type and at the right price to alleviate housing need. In order to deliver on this ambitious commitment, the government needs to work with local planning authorities and local people to ensure that there is a significant increase in the numbers of homes built across the country. Key to this is ensuring that local people are able to shape Local Plans and hold their local authority to account for the level of housing, particularly truly affordable housing,60 being delivered.

4. Local authorities must comprehensively record levels of housing need in their area and produce sufficiently robust plans to act upon it. This will not only help to ensure that local people can engage in the planning process more constructively, but will also give greater clarity to developers and people in housing need. The draft NPPF states that “the National Planning Policy Framework sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations”.61 We welcome the requirement that authorities should prepare a Strategic Housing Market Assessment. However, we would like to see more detailed guidance on how authorities should assess housing need and set out in their Local Plans how they intend to meet it.

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58 DCLG, Draft National Planning Policy Framework, page 30
59 DCLG, Draft National Planning Policy Framework, page 30
60 Affordability must be defined as at a cost low enough for households to afford, determined with regard to local incomes and local house prices.
61 DCLG, Draft National Planning Policy Framework, page 1
5. We appreciate the Government’s aim of trying to provide a more streamlined process by slimming down guidance, but we have concerns that in removing detail there is a risk of losing some of the important safeguards that protect standards of delivery and ensure that a sufficient proportion of truly affordable homes are delivered.

6. What is more, all stakeholders, including local authorities, developers and residents require a planning system that offers clarity and consistency. However, as it stands the NPPF leaves too many issues open to interpretation, which is likely to result in an adversarial planning system that creates uncertainty, appeals and legal challenge at a local level, with consequent delays to housing delivery. This could mean that some of the households who are suffering the most from our housing crisis, such as struggling first time buyers, people facing rising rents and those on social housing waiting lists, lose out as a result of delays in delivery of urgently needed homes.

7. It is also important to recognise that planning reform alone will not be sufficient to stimulate house building, particularly the delivery of affordable housing. A key factor in delivering the desperately needed increased numbers of affordable homes is government investment. The fact that money for new social housing was cut by 60% in the last comprehensive spending review is likely to have a bigger impact on affordable house building levels than any planning reforms.

II. Evidence

Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

8. Shelter is concerned that in an understandable effort to reduce the length of planning guidance, and increase clarity, the NPPF has removed some important guidance, particularly in relation to assessing housing need and the definition and delivery of affordable housing.

9. While we understand the appeal of drawing up a shorter planning guidance document, we do not feel that brevity necessarily equates to clarity and are concerned that the framework does not give adequate guidance to developers, authorities or the Planning Inspectorate. Leaving too many issues open to interpretation could result in uncertainty, appeals and legal challenge, with consequent delays to housing delivery. These delays will not only prove hugely costly, but also undermine the Government’s aim to “increase significantly the delivery of new homes”.

10. However, there are a number of areas we were glad to see included in the draft NPPF. The draft NPPF categorises the key planning considerations into three sections: social (people), economic (prosperity) and environmental (place). It is encouraging to see that the NPPF attempts to balance these important factors on the face of the consultation. However, we fear that the removal of much of the detailed guidance on affordable housing could jeopardise the building of homes in the right places, of the right type and at the right price to alleviate housing need and create socially inclusive communities.

11. We are pleased to see a clear statement that all local authority areas need to conduct assessments of housing need via strategic housing market assessments (SHMA) and that these must address the need for “all types of housing, including affordable housing and the needs of different groups in the community (such as families with children, older people, disabled people, service families and people wishing to build their own homes)”. However, the definition of what constitutes affordability is important and we feel this has been significantly undermined (see more detail below).

12. It is encouraging that the draft NPPF states that local authorities must “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, the elderly and people with disabilities)”. The ideal of more mixed communities is an important one and it is good that the Government has sought to recognise this in the NPPF. It is also important that Local Plans consider the likely impact of future trends. For example, some areas may see a change in housing need as a consequence of households displaced as a result of housing benefit cuts.

Provision for affordable housing

13. We are pleased that the draft NPPF makes clear that “where they [local authorities] have identified affordable housing is required, [local authorities should] set policies for meeting this need on site”. However, much of the value of this will be determined in the detail of what local authorities deem to be “affordable” as well as the methodology they use for assessing the level of housing need in a given area. For example, Affordable Rent homes (let at 80% of market rents) could still remain out of reach of the majority of working households and completely unaffordable for the most vulnerable families in the area. Research for East Thames Group has found that, in Newham, 65% of households would be unable to afford a three bedroom home at 80% market rents.

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63 DCLG, Draft National Planning Policy Framework, page 9
64 DCLG, Draft National Planning Policy Framework, page 9
65 DCLG, Draft National Planning Policy Framework, page 31
66 East Thames Group, Impact of the Affordable Rent Model: Newham (unpublished)
Local accountability

14. In order for any Local Plan to be worthy of the name it must be possible for local people to play a role in its formation and also allow them to hold their local authority to account for its delivery. In order to achieve this, it is vital that residents have access to data on their local housing market (including levels of housing need) that is robust, detailed and comparable. As a result we are pleased that the draft NPPF makes clear that there will be a requirement on authorities to “prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing requirements, working with neighbouring authorities where housing market areas cross administrative boundaries”\(^67\) as well as a “Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified requirement for housing”.\(^68\)

15. However, we have concerns that central government has not yet outlined sufficient detail on the methodology all local authorities must follow to ensure their Local Plans are sufficiently robust and judged to be “sound”. As a result Shelter is working with a number of planning and housing organisations to support local authorities on approaches to assessing housing need in a robust manner. We hope that this will play a role in ensuring that local authorities are able to undertake assessments that provide clear, comparable, accessible and transparent data, thus helping to put local people at the heart of the planning system. It is hoped that this cross-sector support will help local authorities to deliver the requirement to complete SHMAs themselves, without the need to employ costly consultants, as well as help to facilitate joint working between local authorities.

16. Furthermore, if local authorities are to effectively assess how well they are delivering against the need identified in their area and local people are able to hold them to account for this, it is vital that a proper system of monitoring is put in place. An important element of this was enshrined in PPS3 as local authorities were required to apply the principle of “plan, monitor, manage”\(^69\) when considering housing policy. However, the draft NPPF would undermine a key element of this by removing the requirement for minimum key indicators for local planning and the need for annual monitoring reports to be published in a consistent format.

17. Shelter appreciates the overarching objectives of creating a more localised planning system and freeing local authorities from central government control: our attempts to assist with the guidance to accompany local housing needs assessment stands as testimony to that fact. However, greater local flexibility needs to be accompanied by robust accountability and we consider the principle of monitoring and acting upon key indicators an important means of maintaining this. It would also help to provide local people with a more accessible way of engaging with local planning decisions.

18. An example is provided in the draft NPPF impact assessment, where it is suggested that local authorities could remove the minimum threshold at which developments must provide affordable housing for all local councils on the grounds that this decreases the viability of sites in low demand areas and is therefore an obstacle to development\(^70\). We are concerned that this effective exemption for developers will create a weaker negotiating position for local authorities, particularly those in low demand areas, making it increasingly difficult to deliver mixed development on sites.

19. In summary, we support the Government’s aims to introduce a more localised planning system and allow local people to be more involved in planning for their area. However, we are concerned that there is insufficient guidance being provided for local authorities to ensure that they create a local policy environment that allows people to play an active role. This is particularly true in terms of guaranteed access to robust local housing market data. Furthermore, in an effort to provide more succinct guidance the draft NPPF has left out valuable safeguards that ensured that new developments helped play a role in delivering truly affordable housing and that this housing was in the right places and of a sufficient standard.

Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

20. We welcome the recognition of the social aspects of sustainability, alongside economic and environmental aspects in the draft NPPF\(^71\). As outlined above there is an important balance to be struck between the interests of people, the economy and the environment and a clearly defined idea of sustainability is an important part of this. If this balance is to be struck, then there needs to be an explicit emphasis on the social role of planning to ensure equal access to resources and services, which is in line with Planning Policy Statement 1: Delivering Sustainable Development (PPS1). Without this clarity we question whether the definition of sustainability will be workable in practice.

21. As a result we are disappointed that the definition of “sustainable development” contained within the draft NPPF excludes many of the important aspects of PPS1, which makes clear that: “Development plans should promote development that creates socially inclusive communities, including suitable mixes of housing. Plan policies should…seek to reduce social inequalities…address accessibility (both in terms of location and

\(^{67}\) DCLG, Draft National Planning Policy Framework, page 9
\(^{68}\) DCLG, Draft National Planning Policy Framework, page 9
\(^{69}\) DCLG: Planning Policy Statement 3 (PPS3), June 2011, page 7
\(^{71}\) DCLG: Draft National Planning Policy Framework: impact assessment: page 3
22. In particular, the requirement that local authorities should plan policies that “seek to reduce social inequalities” and “address accessibility (both in terms of location and physical access) for all members of the community” were particularly important in ensuring that there was a clear recognition of the important social role planning policy plays and the impact it has on the lives of people in an area, particularly those who are the most vulnerable to social exclusion.

23. We are also concerned that when development viability is established as a vital aspect of plan making there will be an imbalance in favour of short term economic development. The draft NPPF outlines that: “To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, local standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and on-site mitigation, provide acceptable returns to a willing land owner and willing developer to enable the development to be deliverable”.

24. With the draft NPPF clear that the key objective of planning is to deliver “sustainable economic growth”, we are concerned that the other key aspects of sustainable development, namely social and environmental, will effectively lose out, on the basis of the reasons set out below:

- In the short term, at the time of publication of the finalised NPPF in December 2011, existing development plans will be technically out-of-date. This means that presumption will apply to all developments and the NPPF will become the de-facto policy framework. Authorities will have to apply for a certificate of conformity for their existing plans. But such certificates granted for plans developed under previous planning policy may be open to appeal and legal challenge. There could be resulting disagreement and challenge over the relative legal weight of the presumption in the NPPF, as against the legal status of Local Plans, which may result in considerable delays. The application of the presumption where plans are “absent, silent, indeterminate or out-of-date” could also result in legal challenge to define these terms.

- There have already been public clashes between environmental campaigners, developers and the Government regarding the safeguards for sustainability included in the new system. We are concerned that the lack of clarity will result in an adversarial planning system, which will require constant intervention of the courts. In order to guard against this Shelter would like to see more of the clarification regarding what constitutes sustainable development added to the NPPF, in line with the key sections of PPS1 outlined above. We feel that this could provide a clearer policy objective and be an important step in effectively streamlining the planning process by limiting legal challenges.

- In the long term, a presumption in favour of sustainable development will become the core principle of local planning. As the framework focuses on short-term economic growth and fails to define in sufficient detail the wider social, economic and environmental considerations that need to be considered when deciding what constitutes sustainable development, such as housing affordability, it may be more difficult for authorities to defend long-term commitments to genuinely sustainable developments against shorter term, speculative housing sites, particularly in relation to the viability test set out on page 11 of the draft NPPF.

25. At Shelter we want to see a planning policy framework that delivers socially-sustainable development planning, with housing development in suitable locations offering a good range of community facilities and access to jobs, essential services and infrastructure in every local authority area. As a result we feel that it is important that the NPPF makes very clear that when balancing the planning needs for: prosperity, people and places, each component is given equal weight and short term economic growth is not pursued at the cost of long-term social sustainability.

Are the “core planning principles” clearly and appropriately expressed?

26. The existing Planning Policy Statement 3 (PPS3) goes into a great deal of detail regarding affordable housing, including its definition, how it should be delivered, as well as specifications for size of social housing. In our submission to the CLG on the NPPF (February 2011), we said we were particularly supportive of the concise and succinct guidance on affordable housing contained in the existing guidance and believed that this must be retained. We are therefore disappointed that, in the draft NPPF, much of this important guidance has been removed. Our main concerns are outlined below:

27. Definition of affordability

The draft NPPF significantly changes the definition of affordable housing. The existing definition, contained in Planning Policy Statement 3 (PPS3), defines affordability as “a cost low enough for [households] to afford, determined with regard to local incomes and local house prices”. The draft NPPF defines affordable housing, including its definition, how it should be delivered, as well as specifications for size of social housing.
housing\textsuperscript{76} as housing where “eligibility is determined with regard to local incomes and local house prices”. This is a nuanced but very important change. It could result in a scenario where housing is considered affordable if its eligibility is determined by income, even if it is unaffordable to people of average or below average incomes. This is a possibility with “Affordable Rented” homes, as highlighted above.

28. Overall targets for affordable housing

Another important requirement set out in PPS3 is that local authorities should “set an overall (ie plan-wide) target for the amount of affordable housing to be provided”,\textsuperscript{77} reflecting the definition of affordability mentioned above. This was an important requirement in ensuring that all local authorities aimed to deliver upon the housing needs of residents in their area. However, the draft NPPF replaces this important requirement with one that merely states that local authorities must “illustrate the expected rates of [total] housing delivery through a housing trajectory for the plan period”.\textsuperscript{78} We feel that this significantly and worryingly waters down the requirements on local planning authorities. If local authorities fail to take sufficient action to ensure the supply of affordable housing to meet need we are likely to see growing numbers of people unable to meet their housing costs (particularly without reliance on housing benefit—which is vulnerable to future changes), undermining the stated aim of ensuring that “everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live”.\textsuperscript{79}

29. Clear delivery targets for affordable housing

Under the new framework Local Plans will be the primary mechanism for ensuring that development meets the needs of local people. It is vital that local plans set out clearly what different types of housing are needed, in terms of size, quality and tenure. It is therefore essential that Local Plans are based on proper assessments of local housing markets and local needs, including the need for different types of affordable housing.

30. Different types of affordable housing cater for households with different needs and different incomes. Not all types are appropriate or affordable for all households—especially following the introduction of the new Affordable Rent tenure.

31. Local Plans must therefore spell out what types of affordable housing are needed locally. In our submission to CLG on the NPPF, we said we were very supportive of the existing requirement to set separate targets for social rented and intermediate affordable housing. It will be important that authorities clearly state how many socially rented homes they aim to build for people who cannot afford Intermediate and Affordable Rent homes without becoming benefit-dependent. We are therefore disappointed that the requirement for separate targets has been removed from the draft NPPF.

32. Clear delivery targets are also needed for local people to be able hold their authorities to account for meeting the housing need identified in Strategic Housing Market Assessments.

Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

33. It is critically important that local authorities that border one another, or have shared planning concerns (such as commuter areas around a conurbation) are required to co-operate with one another on planning decisions. As a result we are pleased to see that the draft NPPF is consistent with the Localism Bill in making clear that “local councils, county councils and other public bodies [are required] to engage constructively, actively and on an ongoing basis in the planning process”.\textsuperscript{80}

34. The issue regarding larger-than-local strategic planning again underlines the importance of local authorities using thorough and robust methodological assessments. Cross-boundary cooperation will be difficult without consistent methodology on assessing need and demand. In the case of housing, a great deal of integrated work between local authorities is necessary in order to address issues such as infrastructure, transport and population shifts. As a result it is important that local authorities have data on housing need that is broadly comparable to enable them to compare projections and work together effectively. As outlined above this requires local authorities to follow some form of robust methodological guidance on assessing housing need.

\textit{September 2011}

\textsuperscript{76} In its glossary
\textsuperscript{77} DCLG: Planning Policy Statement 3 (PPS3), June 2011, page 10
\textsuperscript{78} DCLG, Draft National Planning Policy Framework, page 31
\textsuperscript{79} DCLG, Draft National Planning Policy Framework, page 30
\textsuperscript{80} DCLG, Draft National Planning Policy Framework, page 10
Written evidence from the Royal Town Planning Institute (RTPI)

INTRODUCTION AND SUMMARY

1. The Royal Town Planning Institute (RTPI) has over 23,000 members who work in the public, private, voluntary and education sectors. It is a charity whose purpose is to develop the art and science of town planning for the benefit of the public. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, practice advice, training and development.

2. We run Planning Aid for England—supporting communities and individuals through a locally-based network of 1,200 RTPI members who give their time and expertise free of charge—a service at the heart of localism.

3. We support many of the objectives underlying proposals for planning reform, including the principle of a single National Planning Policy Framework (NPPF) that helps to reduce conflict and duplication, separates the presentation of policy from evidence and practice advice, and renews the drive to ensure that objectively assessed development needs are provided for in a sustainable manner through the planning system.

4. We welcome proposals that reaffirm the importance of planning in enabling communities to develop their own vision for the future of their area, provide the means to decide on priorities for investment, and tackle the challenges of climate change, sustainable economic growth and social inequity. The role of planning is to successfully balance these factors.

5. Within this overall position, we have five main areas of concern with the NPPF:

   (i) Status: The status of and procedures for producing and reviewing the NPPF need to be embodied in statute to ensure proper public debate of issues and restore democratic accountability, as is the case for National Policy Statements (NPSs) for infrastructure;

   (ii) Language: Large parts of the NPPF policies are ambiguous, as is evidenced by the different interpretations put on policies by government, conservation bodies and others;

   (iii) Change management: The changes proposed in the NPPF are significant and cannot practicably be assimilated by councils, developers or communities in the intended timetable without unintended consequences—as with the implementation of the proposals of the Localism Bill, there is a need for careful change management including a transition phase;

   (iv). Spatial content: The NPPF misses an opportunity to express a vision for the development of the country as a whole, recognising the different impacts policies will have in different parts of the country, which runs counter to government commitments, such as that “prosperity must be shared across all parts of the UK” (Plan for Growth, p.3);

   (v) Presumption in Favour of Sustainable Development: In principle, this is an evolution of the existing presumption in favour of development that accords with a development plan, but contains weaknesses that may result in unintended consequences.

6. These points and other key areas of concern will be addressed in more detail below, in responses to the Inquiry questions or in the commentary that follows. The RTPI also has concerns on matters of detail which cannot be addressed through this evidence, but will be submitted in response to the consultation, and can be provided to the Committee if this would assist.

Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

7. The draft NPPF does not give sufficient guidance as the language used is ambiguous (especially when read in the context of the rhetoric surrounding its publication) and there are internal inconsistencies, particularly with regard to the use of certain terms.

8. This may have arisen in part from the NPPF being drafted to meet two objectives, ie (a) being a plain English guide to planning policy in England, and (b) being a precise technical policy document.

9. The ambiguity of policy wording is highlighted by the public debate between conservation/environment groups and government in the national press. If intelligent and informed actors in the system, advised by planning and legal experts, can arrive at such wildly differing interpretations of policy, then there is clearly something wrong, and this will hardly result in the clearer and more effective planning that all parties seek. Particular effort must be given to ensuring that the wording of policies is technically precise to avoid misinterpretation. If the resulting policy is then found to be inaccessible to “lay” readers, then the NPPF should be supported with a non-technical summary, similar to the “Easier To Read Summary” (although this has weaknesses of its own).

10. One example of inconsistent and unclear language in the NPPF relates to the weight to be accorded to different factors in planning decisions, as follows:

   — “significant weight” applied to supporting economic growth;
— “great weight” to be given to protecting landscape and scenic quality;
— “substantial weight” to apply to green belt harm; and
— “considerable importance and weight” to apply to conserving heritage assets.

11. The NPPF gives no indication as to how different investors or decision makers will be expected to balance these different weights in individual cases. However, the rhetoric surrounding the NPPF (eg that the alleged default “no” response to applications should become “yes”) is interpreted by some to imply that the “significant weight” to be applied to supporting economic growth is expected to outweigh the weights to be applied the other factors.

12. The government asserts that this is not intended to be the case, but the policy does not give a clear direction in favour of conservation should the “presumption in favour of sustainable development” apply as a result of the lack of an up-to-date policy, even if there are alternative sites that could deliver the same benefits with less or no harm. Such circumstances are the root of the environment/conservation lobby’s concerns.

13. Concerns relating to interpretation are intensified by the different emphasis given in the main body of the framework and the foreword and introduction. The main part of the draft is, on the whole, more balanced than the introductory parts. It may be argued that the foreword and introduction are not part of the policy framework, and should not be taken into account in decision-making. However, they do form part of the context for the NPPF, and where the framework is ambiguous, they will be used to justify certain positions.

14. Another example relates to the section in the foreword which talks about improvements to natural and historic aspects of the environment, but does not mention their conservation at all. This creates a context within which development of part of an asset is considered desirable—and even preferable to conservation—in order to allow the “improvement” of another part. While “enabling development” can be desirable to secure conservation objectives, improvements are not always either necessary or wanted.

15. The popular concern that the presumption in favour of sustainable development is all about pushing unwanted schemes through the system is not helped by the government’s stated expectation of “a system where the default answer to development is ‘yes’.” However, as the government has stated publicly that while good, sustainable development should be approved and harmful, unsustainable development should not, this sentiment should be clearly reflected in the NPPF, and with reference to local policy as well as to the national policies of the Framework.

16. A common thread that should run throughout the NPPF is that more positive planning will result from local authorities, communities and local authorities raising their game by working together to deliver shared objectives: creating and supporting good schemes and eschewing those that are bad.

Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

Definition

17. The RTPI is pleased to see the retention of the Bruntland definition of sustainable development, and the three pillars of sustainability. Their translation into economic, social and environmental “roles” that subsequently structure the framework helps to make the document accessible.

18. The conflation of “sustainable development” with “sustainable economic growth” is unfortunate: “sustainable economic growth” relates to growth than can be maintained from an economic perspective, but it does not have the same values attached to it as “sustainable development”. Problems with this are emphasised by the assertion in the foreword that “development means growth”. The two words are not synonymous: a change of use and can have impacts both positive and negative, but does not necessarily lead to any growth; conversely, economic growth can result from using property more effectively even without physical development or a change of use.

19. The clarity of the Bruntland definition is, however, not assisted by reinterpretations such as that “Simply stated” at the end of paragraph 9 (especially with the use of the nebulous concept of “quality of life”) and in the “Easier to Read Summary”:

Presumption

20. “The Presumption in Favour of Sustainable Development” is an evolution of the existing presumption in favour of development that accords with a development plan. Along with aspects of the Localism Bill, this retains the general primacy of development plans in decision-making, which is welcomed.

21. However, the application of the presumption is not fully thought through, and its implications—particularly in terms of the impact on the validity of local plans—will have unintended consequences without either a thorough re-think or careful transitional arrangements.

22. We will in our main consultation response examine:
— how local plans can meet development needs when there is not the physical capacity to do so (recognising the “duty to co-operate”);
— the need for policies to provide “sufficient flexibility”, when section 38(6) of the 2004 Act provides for this by default; and

— the meaning of “rapid shifts in demand or other economic changes”, and whether it is sustainable for evidence-based, community-supported, long-term plans to be set aside to meet short-term demands the consequences of which may be irreversible.

23. The key concerns with the presumption relate to the third bullet point and concluding sub-paragraph.

24. In particular the terms “absent”, “silent”, “indeterminate” and “out-of-date” require definition, as does the application of “plan” and “relevant policies” to these qualifications. The risk of a plan being set aside because it is “silent” may lead to unintended consequences:

— The revocation of regional strategies and the slimming down of national policy could put those councils who have diligently avoided repeating national/regional policy in their local plans in a more difficult situation than those who have either not produced modern-style plans or disregarded advice and produced lengthy, cumbersome and repetitive plans.

— Councils may choose to revert to the practice of trying to address every eventuality through their development plans, thereby undoing a decade of work, slowing down plan production and increasing their volume.

25. We recognise that paragraph 26 of the Framework is intended to be helpful with regard to plans being “up-to-date” with its reference to councils seeking a “certificate of conformity” with the Framework. This concept, however, requires considerable clarification, not least with regard to its resourcing, but also whether such certificates will:

— apply to whole plans or individual policies;

— be required to prove validity, and will necessarily prove validity beyond doubt; and

— need to be regularly reviewed.

26. The critical weakness with the presumption is the unintended consequences associated with the amount of change being proposed to national policy, and the likelihood that any local plans will be able to be defined as being in accordance with it upon its approval. A policy change that will have a particular impact in this regard is the requirement for plans to identify 20% more housing land than is indicated by their assessments of need. As few plans currently do this, and it will take time for plans currently going through the system to respond, a very high proportion of plans will not conform with the NPPF. It has been long established that one of the principles of the presumption was to encourage councils to produce plans to avoid the loss of local discretion over planning decisions. However, if the introduction of the NPPF itself immediately renders even recently approved plans out-of-date, then there is no incentive for councils to complete plans until the NPPF is in place, and those councils that have produced plans may not be in a better position than those that have not. This emphasises the case for a transitional period.

27. Where there is not an up-to-date plan, this could mean that the policies of the NPPF cannot apply. For example, government statements have been very clear that the NPPF retains control of development in the Green Belt. However, there cannot be any defined Green Belt in an area without an up-to-date plan, since the boundaries of Green Belt are defined in local plans, and the general extent and location of Green Belt will no longer be defined in PPG2 (superseded by the NPPF) or the regional strategies (revoked).

28. The usefulness of the presumption is weakened by its failure to recognise that the approval of proposals that do not accord with statutory plans could undermine the delivery of those that do, thereby prejudicing well-intentioned investments. It is not sufficient for presumption only to be positive about development that accords with plans: it needs to support such development by clearly giving councils the authority to block proposals that could prejudice the delivery of their strategies.

Are the “core planning principles” clearly and appropriately expressed?

29. In general the core planning principles in paragraph 19 are expressed well, and these are supported by general statements of the purpose and function of planning elsewhere in the framework. The positive representation of the role of planning is particularly welcome.

30. The repetition of the insistence that the “default answer to development proposals [should be] ‘yes’” is unhelpful if the only exceptions to this are justified by reference to the principles of the NPPF: if local plan policies cannot be used to justify a negative response, there is little point in having them. See also paragraph 26 above.

31. The requirement for policies to enable “a high degree of certainty” in decision-making is an essential benefit of planning, but is not compatible with the requirement that policies include “sufficient flexibility” expressed in the presumption.
Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

32. The relationship is clear: that the NPPF is just one of many national policy documents, produced by a variety of departments, with no obvious coordination. The National Policy Statements for infrastructure would seem to carry more weight because of their statutory basis, and the fact that they have been subject to a defined consultation and parliamentary debate procedure, and to appraisals of their sustainability.

33. Because the NPPF does not have a geographic basis, it does not provide a context within which to integrate other national policies, particularly with regard to locating new infrastructure development in relation to new areas of growth. This also weakens the NPPF’s ability to respond to and coordinate with the plans of the other UK nations and with the marine spatial planning programme.

Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

34. It can reasonably be argued that the duty to cooperate, which the RTPI has supported in principle as a means to enable cross-boundary planning in the absence of nationally imposed sub-national planning structures, will not operate effectively without a geographical element to the NPPF.

35. There are aspects of both economic and housing development that require a nationally defined and agreed vision, and which cannot be fully achieved by the voluntary actions of individual authorities or tinkering with uncoordinated enterprise zones.

36. In particular, this relates to the interventions necessary to address disparities between different parts of the UK, including the planning of infrastructure to support this.

37. As currently drafted, the NPPF relies on councils responding to demand in their areas, with no interventions to influence that demand where meeting it would be unsustainable or impossible due to physical constraints or environmental capacity. In many cases, this may be achieved by authorities working together to enable needs arising in one area to be met in another, but it will be a challenge for cities as large as London or Birmingham to secure the cooperation of those outside their boundaries necessary to sustainably address need or demand without some form of higher-level incentives or interventions.

Are the policies contained in the NPPF sufficiently evidence-based?

38. It is difficult to assess fully the extent to which it is evidence-based because the evidence cited, such as it is, is often not entirely accessible. However, the Impact Assessment would seem to indicate that a lot of policy is based on what the government believes, rather than what evidence necessarily shows to be the case.

39. An example relates to housing, in which several beliefs are expressed, such as the belief that the top-down system had slowed housing development. This belief is “justified” by housebuilding figures that were affected by the recession, by surveys of opinion that people did not want housebuilding in their area, and by statistics relating to the production of local plans; but not by reference, for example, to the proportion of residential planning applications that are in fact approved by local authorities, which is consistently around 80%. Reference is not made to the fact that housebuilding rates under previous systems also failed to meet need, including under the Structure Plan system, where housing provision was determined more locally.

40. Policy changes are further justified by the belief that the New Homes Bonus will incentivise communities to be more receptive to development and that Neighbourhood Plans will help to deliver significant amounts of new development: there is no evidence that this will be the case (although it is recognised that there is no evidence to the contrary either).

Further Commentary

The case for the status of and procedures for the NPPF to be defined in law

41. The RTPI recognises that legislation already gives the Secretary of State the power to issue guidance to which bodies shall have regard as material considerations. However, this general power does not give enough status and clarity to the NPPF, especially in comparison with the National Policy Statements (NPSs) for infrastructure, which are referenced in part 2 of the Planning Act 2008.

42. There are five reasons why the NPPF should be referenced in the Bill. It would:
   — strengthen the NPPF’s effectiveness if a range of bodies and statutory plans were required to have regard to it specifically;
   — establish its position in relation to other statutory national policies, notably NPSs;
   — establish its position in relation to non-statutory national plans such as the National Infrastructure Plan and Plan for Growth;
   — commit Governments to seek the approval of Parliament for its production and review; and
   — give a statutory basis to fundamental policy changes such as the presumption in favour of sustainable development.
The NPPF: what should it contain?

43. The RTPI believes that the NPPF needs to have five characteristics in addition to simply introducing the presumption in favour of sustainable development and condensing existing policy documents. These are:
   — bringing together all existing designations that inform decisions on major planning issues, including national designations such as National Parks and Areas of Outstanding Natural Beauty, international designations such as Ramsar Sites, and national and international infrastructure networks;
   — enabling more informed decisions by Ministers and Parliament by expressing specific national proposals such as HS2 and the locations of new nuclear power stations within a wider policy context;
   — enabling more informed policy and decision making by setting out recognised geographic constraints on development, such as flood plains and areas of water stress;
   — addressing those Government policies that are focused on different parts of the country, such as those on re-balancing the economy and the development of economic clusters; and
   — importantly, recognising that nearly all national policy decisions (such as investment in major research centres) have different impacts in different parts of the country and spelling these impacts out.

Final comments

44. It should be noted that the procedures proposed to approve the NPPF do not require a sustainability appraisal or similar, although this was required for other national policy documents, such as the National Policy Statements for Energy Infrastructure.

45. Where in this submission we have identified an issue of concern, we are currently working on suggestions for ways in which the issue can be addressed.

September 2011

Written evidence from Adrian Penfold

INTRODUCTION

The Government’s planning reform package contained in the Localism Bill, the Plan for Growth and the draft National Planning Policy Framework (NPPF) is, when taken as a whole, avowedly “radical”. It is based on an analysis of status quo, much of which is described in the February 2010 Conservative Party Green paper, Open Source. The analysis suggests that that the existing system is too controversial and bureaucratic, and that it leads to “rebellion” by local communities. The proposed solution is “rooted in civic engagement”. Communities must have their say and even “control”. By decentralising, it argues, we can bring communities together in a sustainable way.

KEY POINTS

The NPPF should I believe be considered in this context, ie, the wider package of reform and the intention to decentralise, or localise. With that in mind, it appears to me to have a number of objectives and would benefit from these objectives being set out in the document, and from a clearer narrative describing how each of these objectives is intended to be met. The objectives could be described as:

1. Making localism work—aspects of the Localism Bill, particularly neighbourhood planning, have wrongly created expectations that local control is about stopping development regardless of the need for it, its quality, sustainability etc. The NPPF therefore has an important role in setting a positive framework for local and neighbourhood plans

2. Reducing the amount of Government policy—leaving more to local communities to determine within a broad national framework, as set out in paragraph 5 of the draft.

3. Simplifying national policy—making it more comprehensible to all users of the planning system.

4. Making policy more coherent—bringing together all policy in one place at one time provides the opportunity to improve consistency and to ensure that the policies on different issues are contained within a broad set of policy objectives. This is a key test for its success or failure.

5. Introducing policy changes—the draft NPPF includes a number of detailed policy changes which require separate consideration, eg removal of offices from town centre sequential testing, and removal of the residential car parking cap. Reduced and simplified guidance will also be required on some aspects of the document, eg the nature of the evidence required to support local and neighbourhood plans. It would be helpful if Government were to set out a programme for production of that guidance.

81 Conservative Party Green Paper: Open Source PS.1
The document could be strengthened to clarify the main purposes of the planning system, providing a stronger foundation for the core principles and policies that follow, and a clearer vision to inform all those who operate in the planning system. In particular that foundation, or vision, might include:

1. A strengthening of the description of sustainable development. Whilst the commitment to brevity is welcome and the existing text in PPS 1 dealing with sustainability is perhaps too lengthy, it would be worth considering whether some of that text might be usefully imported into the NPPF. Similarly, the 2005 UK Sustainable Development Strategy reference to “environmental limits” might be a helpful concept for considering the balance between the need for development and economic growth, and wider environmental and social factors.

   The description of sustainable development should set an important objective for the NPPF as a whole, as well as for the new generation of local plans, based on the NPPF, that will follow. It should though be made clear that this definition doesn’t set criteria for the determination of planning applications; the definition should rather inform and guide the rest of the NPPF, and the new generation of local plans which will in turn form the basis for the determination of planning applications. The definition’s function is for example not to act as a means to justify development that is clearly not compliant with an up to date, evidence based local plan.

2. Making clear the requirement for local and neighbourhood plans to meet objectively assessed development needs, unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits of meeting those needs. If the planning system cannot meet the needs for housing, places for people to work, regeneration and infrastructure, including the need for economic growth, within a sustainable framework, it will become discredited.

3. Meeting the challenges of climate change, both mitigation and adaptation.

4. Doing all this within a plan led system, and making it clear to local planning authorities that a plan led system cannot operate effectively without up to date plans, and that these plans must be based on a thorough assessment of needs. This tenet should apply to neighbourhood plans as well as to local plans.

**Response to Questions**

1. **Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers whilst at the same time giving local communities significant power over planning decisions?**

   The NPPF is part of a wider package of reform, much of which gives significantly greater power to local communities, through neighbourhood planning, local referenda, designation of Assets of Community Value etc. Additionally, more of the value created by growth will be retained at local level through the New Homes Bonus, Business Rate Retention and CIL.

   A key role for the NPPF should be to ensure that plan making takes place within a properly considered evidence based policy context. As I explain above, I believe the document could be strengthened to improve its usefulness to local planning authorities when producing their local plans.

   Developers and investors look to the planning system for clarity on what development will and won’t be allowed. Policy which is consistent, coherent and readily interpretable is therefore important. Localism will inevitably lead to wider diversity of policies and community organisation structures from area to area; the better developers appreciate that they need to respond to this and, where possible, operate as a part of the local community where they are investing. Some consistency in the preparation of the evidence base for planning is though required and this is an area where further guidance will be needed.

2. **Is the definition of “sustainable development” contained in the document appropriate: and is the presumption in favour of sustainable development a balanced and workable approach?**

   I have explained above that I believe the description of “sustainable development” should be strengthened, particularly to assist local planning authorities when producing their plans. The most important definition will though be contained in those local plans, when broad principles are applied at the local level to local circumstances.

   As an example, it is important that previously developed land and land of low environmental quality is preferred when allocating sites for development. There may though be local circumstances where such an approach is not the best solution when considering all the environmental, social and economic factors: where perhaps an urban extension site is preferable to a previously developed site many miles away from any existing settlement, because of the availability of schools, shopping centres, extendable bus, train or tram routes etc. That decision should be taken locally within a non-prescriptive national policy framework.

   On the Presumption, the main feature is I believe the reliance on policy; the plan or, where there is no plan, the NPPF. This doesn’t seem to be a major shift from present practise, rather a clarification of much of what happens now when, in the absence of an up to date plan, the 1,300 pages of existing PPS’s and PPG’s are brought to bear on the decision. I do though believe that paragraph 14 could be amended to clarify what applies to plan making and what to development control. I would also add the words “and other material
considerations” to the end of the paragraph as there may well be other factors to consider when determining planning applications, particularly in the transition period before the adoption of a new generation of local plans.

The word “indeterminate” is I believe unhelpful. Most plans in my experience require the interpretation and balancing of policies in order for the decision maker to reach a conclusion. They are rarely absolutely determinate when applied to a specific proposal.

3. Are the “core planning principles” clearly and appropriately expressed?

I recognise them as important principles for the planning system. I have three comments:

(a) A specific reference to addressing climate change would be helpful.
(b) “…. the default answer is “yes”…” phrase in bullet 2 has given rise to much comment. It seems to me to be at odds with much of the other text which has a focus on meeting needs and the importance of the plan for determining what is acceptable.
(c) Bullets 4 and 5 refer to the environmental quality or value of land in considering which land should be released. The public debate focussing on the “Brownfield” versus “Greenfield” issue suggests the need for some additional clarity on this point, perhaps by reference to ‘previously developed land’. For the reason I set out above, I don’t though believe that the answer at the local level will always be the same. Local solutions should not be artificially constrained by central prescription.

4. Is the relationship between the NPPF and other national statements of planning related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

All policies affecting development, not just planning policies, work best if they are integrated across Government. The final Report of my review for Government of Non-Planning Consents82 found this not to be the case and made recommendations in this area. Most of those who are involved in development, whether as developer/investor, local communities, statutory agencies, interest groups or decision makers, would benefit from better information and coordination on policy making and project decisions. This applies to local and national level.

5. Does the NPPF with the ‘Duty to Cooperate’ provide a sufficient basis for larger than local strategic planning?

Cooperation between local authorities, and indeed other agencies (see below), is important to the delivery of wider than single local authority infrastructure, much of which is crucial to supporting development. The London-wide CIL which part-funds Crossrail is a good example of this. In my experience though, a Duty to Cooperate is unlikely to be effective unless there are reasons for authorities to cooperate. Local Enterprise Partnerships may have a role in this, and the proposed Enterprise Zone retention of business rate growth at wider than local authority level is an interesting initiative in this area. Perhaps a proportion of CIL could be required to be targeted at cross boundary projects in a similar way to the “meaningful proportion” required to be spent at the community level.

The Town and Country Planning Association in its response to your Committee recommends that the Duty to Cooperate be extended to include other public bodies and privatised utilities. I support this recommendation because many of these bodies have a key role in plan making and development control. Their engagement, or lack of it, can compromise the effectiveness of both processes.

6. Are the policies sufficiently evidence-based?

No response.

Conclusion

The draft NPPF is to be welcomed as an opportunity to simplify and streamline planning. It can also bring greater coherence to the existing overlong and sometimes confusing policy statements and guidance. The Government also has the opportunity to introduce a number of policy changes and, most importantly, to emphasise the need for a positive attitude to plan making and development control, to meet objectively assessed, evidence based needs unless there are sound reasons not to.

There are areas that can be strengthened, particularly the vision and objectives for the planning system and the importance of sustainability as a guiding principle. The operation of the presumption in favour of sustainable development could also be clarified, particularly in relation to plan making. Finally, the various proposed policy changes are quite rightly the subject of intense debate. It is for the Government and Parliament to decide on what, if anything, in the draft, should be changed. I have attempted to address some of the points

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82 The Penfold Review, set up to identify whether non-planning consents delay or discourage investment published its final report in July 2011. Following its initial response, the Government has now published a progress review. http://www.bis.gov.uk/penfold
that have been raised but have not felt it appropriate to submit my own detailed assessment of all of the proposed policy changes.

October 2011

Written evidence from the Chartered Institution of Water and Environmental Management

CIWEM welcomes the opportunity to comment on sustainable development in the draft National Planning Policy Framework (NPPF). We have set out our comments beneath the Committee’s questions and provided the summary below.

The NPPF is the most radical reform of the planning system for decades and will have unprecedented implications for the environment and sustainable development. CIWEM considers the Framework is seriously deficient: it does not integrate with other Coalition policy goals and frameworks; it fails to recognise the role of land use planning in democratic decision-making; it lacks a regional and strategic dimension; it offers an impoverished view of sustainable development, equating it to all intents and purposes with “growth”; and it reduces “the environment” to a marginal set of designated protected zones.

Summary

— The definition of sustainable development is weak and fails to take sufficient account of the growing evidence of serious ecological disruption and risks (not confined to climate change) or of the extremely radical gains in material, water and energy efficiency needed if we are to have economic growth and sustainable use of ecosystems and resources.

— The NPPF gives the impression that the Government sees the environment in the context of planning as simply the sum total of designated areas of countryside and greenbelt, whereas it needs to be seen in holistic terms as a dynamic set of ecosystems interacting with human systems.

— The NPPF is skewed to favour economic over social and environmental considerations because it presumes that development equals growth.

— The NPPF creates opportunities for those with less honourable intentions to take over the planning process for their own short-term commercial ends.

— It is unclear how the NPPF relates to other key Government policy frameworks, notably the low-carbon transition strategy for energy, infrastructure and manufacturing; the Natural Environment White Paper and the recent National Ecosystem Assessment.

— The abolition of regional governance in England has left a planning vacuum between the local and national level. This will have serious shortcomings for strategic decisions about resource use and ecosystems beyond the local level—such as renewable energy, waste policy, river catchment management, integrated transport, food production and so on.

— There does not seem to be a driver to link how local actions relate to the wider strategic decisions that should be taken to deliver sustainability nationally and internationally.

— All policies relevant to our wider sustainability (food production, water supply, waste management, energy supply etc) should be integrated within this Framework and not added when it is convenient or simply made to have “due regard”.

— The Framework appears ignorant of modern day requirements and ignores a host of competing factors which will determine what sustainable development looks like in this country; factors such as climate change, population growth and diminishing resources.

— Ultimately, the NPPF reads as a series of headline-grabbing buzz-words and sound-bites providing no further depth with the use of illustrative examples or guidance against which proposals could be realistically assessed.

Questions

Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

CIWEM is deeply concerned at the streamlining of the national planning policies (of more than 1000 pages to perhaps 50 pages) and associated guidance. Whilst there is some merit in simplification and resolving any existing conflicts within guidance, the new framework is very light on details, examples and guidance. It may be that critical detail is lost which is important for protecting the environment and for giving planning officers and committees enough evidence from which to work upon.

CIWEM believes that without comprehensive guidance a void will be formed between the NPPF and its delivery. It is likely that existing guidance will have to be “reinvented” with the third sector having to step in to create pseudo-statutory guidance and advice. Whilst it is part of the remit of professional bodies to provide public education and support, we are simply not resourced to produce guidance and are not in a position to
take financial liability for any guidance given. We can assist in its production but we believe that it is the place of government to produce and accept the liability for any guidance.

Without the current range of guidance it is likely that there will be a lack of national consistency in planning and there will be a greater burden on planners and planning inspectors, rather than the intended reverse. CIWEM believes that it is inevitable that there will be insufficient detail, insufficient clarity or sufficient “fog” to create opportunities for those with less honourable intentions to take over the planning process for their own short-term commercial ends. There is a real danger that the majority of this will occur as a result of the way “sustainable development” is defined and used in the Framework (please also see the response to the next question).

Whilst the suite of existing planning policies is long, they provide the necessary detail and support for planners when they are preparing plans. Major issues such as the green belt, building on flood plains and restrictions on granting consent for out-of-town supermarkets are all set out in planning guidance.

We consider that it is misguided and dangerous to state that planning permission will be granted “where the plan is absent, silent, indeterminate or where relevant policies are out of date”. Fewer than 30% of Core Strategies have been adopted leaving vast areas open to debate. Decision-making on this basis is not sustainable and will allow interventions by any developers with the means to develop without a care for local communities. The Framework states that these policies (of approving all individual proposals wherever possible) should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits when assessed against this framework. The problem is that the policies are so light in their coverage, and lack so much rigour, that it would be difficult to assess anything against them.

The NPPF states: “Up-to-date Local Plans, i.e Local Plans which are consistent with this Framework, should be in place as soon as practical.” This leads us to question the incentive to produce Local Plans when planning permission is allowed to be permitted in their absence?

Increasing communities’ involvement in planning is a positive move, however if neighbourhood plans are given significant powers it may generate a large number of questions about national consistency. Proposals for neighbourhood plans could allow development on the approval of self-appointed local people of questionable provenance and purpose. An articulate minority may have considerable and unacceptable influence on the look and feel of settlements. Local Enterprise Partnerships too, may have a large influence on neighbourhood plans and skew development towards business interests.

Using natural resources prudently, mitigating, adapting to climate change and moving to a low carbon economy should be the role of the economy per se and should feature centrally in discussions of economic development. There is a real danger that neighbourhood plans will not address this and not produce the desired outcomes. Unless the key drivers and challenges of the future (population growth, diminishing resources and climate change) are addressed at national, county and local level then neighbourhood plans will simply compromise and create more difficulty for those that follow in the future.

Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

The presumption in favour of sustainable development is to be warmly welcomed; if only it were adequately defined, explained and unequivocal. Planning is critical to delivering sustainable development spatially. The principles of living within environmental limits, balancing economic growth, protection of the environment, and social equity are all key components and need to be delivered through the planning system.

The definition of sustainable development in the Ministerial foreword is unsatisfactory. It seems to be ignorant of what sustainable development means. The first sentence of the Ministerial Foreword says:

“the purpose of planning is to help achieve sustainable development”.

The above statement is accurate and appropriate. Sadly, the following paragraphs undermine that simple and effective statement:

“sustainable means ensuring that better lives for ourselves [sic] don’t mean worse lives for future generations”.

The definition for development says “development means growth”. There have been several studies to show that development does not necessarily mean growth (see Prosperity without Growth, written by one of the Sustainable Development Commission commissioners) and some countries have recognised that there is more to development than simply growth.

The Ministerial Foreword continues that: “development that is sustainable should go ahead, without delay—a presumption in favour of sustainable development that is the basis of every plan, and every decision”. There

83 47% of councils have not published Core Strategies. Fewer than 30% of Council’s have adopted Core Strategies—DCLO Impact Assessment of the NPPF
84 Paragraph 14
85 Paragraph 26
86 http://www.sd-commission.org.uk/publications.php?id=914
should be a presumption in favour of sustainable development and it should be the basis that every plan and every decision, but it should not address these deficient definitions.

The description in Paragraph 9 has a much better understanding of sustainable development but this does not produce a definition that is used elsewhere in the Framework. It is quite telling that neither “sustainable”, “development” nor “sustainable development” is explained in the glossary. The core term of the whole document is only explained once in the Foreword. The Framework is peppered with “sustainable” prefixes and it does tend to become quite meaningless with a sense of fatigue about the continual use of the word sustainable in front of everything. We would also question the need for a new definition of sustainable development when it has been well defined in Securing the Future (2005).

It is a concern that the Government appears to make a distinction between sustainable economy and sustainable economic growth. There is a clear tension between economic growth and sustainable development in this document and it does not provide adequate guidance on either. The aspiration towards “growth” means that creative and innovative thinking is marginalised and a model of expansion is resorted to; this is instead of looking at renewal and more innovative and smarter ways of developing business to secure a firm economy.

CIWEM is deeply concerned by the contradiction to sustainable development that is revealed later in the Framework: “significant weight should be placed on the need to support economic growth through the planning system.” This is in contrast to balancing economic, social and environmental needs and shows that economic considerations trump all others. The Government has simply not learnt that economic growth is not a panacea to our problems.

It is not clear what evidence the Government is drawing on when it argues that the current planning system has held back economic growth. To justify this, the Government needs to provide proper evidence that planning regimes have unjustifiably blocked developments that would have generated “sustainable economic growth”.

The connection between a strong economy and developing more land is continually suggested throughout the NPPF. A strong responsive and competitive economy is not a land issue. It is about creativity, innovation, ideas and does not necessarily mean building acres and acres of hard infrastructure. Naturally it may mean using some land and providing the adequate infrastructure (eg the right mix of road, rail, ports and local networks) but it does not necessarily mean seizing endless land because land equals success. There is considerable existing infrastructure that needs renewal and the emphasis should be on upgrading and improving what we have first.

Planning for people is not just about providing an increased supply of housing to meet the needs of the present and also any future generations. Planning for people is so much more. It is about building communities, not just building houses. Furthermore there is a big difference between urban and rural living, and in this Framework neither is adequately addressed.

Implications of the definition

The definitions are flawed and misleading. The Framework gives way to focus decision-making in planning largely or solely based on economic growth. This could be qualified by reference to “low- or zero-carbon” growth or “growth decoupled from increases in resource use” but as it stands, the proposals are a builders’ charter. The strong impression is given that any proposed development should be presumed acceptable unless it contradicts a Local Plan. Since many Plans (over 70%) are absent, incomplete or out of date, this is a charter for unrestrained development that could subvert policy goals for climate change mitigation, adaptation, nature conservation, energy saving, water saving and waste reduction. It is also a clear affront to the Natural Environment White Paper which promised to reverse the decline in our natural capital and not accelerate it. We believe that urban sprawl of the type seen in the pre-war and post-war periods will return.

Communities engaging in neighbourhood planning will have to understand both sustainable development and the concept of presumption of sustainable development. This is confusing when communities could promote more development than set out in the Local Plan. Another problem that we face is that local authorities do not have the necessary resources to assess locations and developments for their sustainability.

Are the “core planning principles” clearly and appropriately expressed?

The first principle is that “planning should be genuinely plan-led, with succinct Local Plans setting out a positive long-term vision for an area. These plans should be kept up to date and should provide a practical framework within which decisions on planning applications can be made with high degree of certainty and efficiency”. We agree with this.

Sadly, one of the worst statements in this Framework is the second principle where it says “decision takers at every level should assume that the default answer to development proposals is yes…” This is a very dangerous assumption and this principle is open to all sorts of misinterpretation and potential abuse.

The third principle misunderstands the concept of development. The allocation of sufficient land is not a criterion for good development. There is a fundamental flaw in this Framework which continually considers

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87 Paragraph 13
88 Fewer than 30% of Council’s have adopted Core Strategies—DCLG Impact Assessment of the NPPF
that development is building something: houses, business offices or structures, infrastructure. There are many, many publications discussing what development means in terms of sustainable development and it is not just about building houses.

The core principles and the Framework rely on a series of headline-grabbing buzz-words and sound-bites providing no further depth with the use of illustrative examples or guidance against which proposals could be realistically assessed.

Apart from the eclectic definition of sustainable development, this Framework appears ignorant of modern day requirements. It seems to ignore a host of competing factors which will determine what sustainable development looks like in this country; factors such as climate change, population growth and diminishing resources. If sustainable development continues to be looked at through the lens of 20th century planning then not only will UK development be unsustainable, but also it will stagnate. This Framework is an opportunity to set the UK on a path not only to a sustainable future but also a development path which could bring prosperity to all corners of society. This Framework misunderstood its remit and as a result is a missed opportunity.

Is the relationship between the NPPF and other national statements of planning-related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

It is unclear how the NPPF relates to other key Government policy frameworks, notably the low-carbon transition strategy for energy, infrastructure and manufacturing; the Natural Environment White Paper and the recent National Ecosystem Assessment. The draft NPPF gives the impression that it could easily undermine all of these. Moreover, it gives the impression too that the Government sees the environment in the context of planning as simply the sum total of designated areas of countryside and green belt, whereas it needs to be seen in holistic terms as a dynamic set of ecosystems interacting with human systems.

Indeed the Natural Environment White Paper realised the importance of a holistic view of nature by acknowledging the findings of the TEEB89 study that “the loss of land-based ecosystems has already cost around £500 billion over the last ten years. Maintaining nature’s capacity to provide the functions upon which we rely is often cheaper than having to replace them by investing in heavy infrastructure or technical solutions.” This foresight is completely lost in the draft NPPF.

It is unclear how the new Framework relates to proposals for “Big Society”, Localism and more local democratic say in planning. Localism must involve the ability to reject or place suitable social, aesthetic and ecological conditions on proposed development. As it stands, the NPPF makes it clear that such conditions are overridden by a central presumption in favour of anything that promotes economic growth. The existing planning system has failed to prevent much ugly and energy-intensive development for decades, and it is right that it be reformed radically. However, there is nothing in the new Framework to ensure it will promote sustainability, improve aesthetic and environmental standards in design of developments and enable a richer civic conversation about the quality of places and developments and their implications for the environment and future generations.

Does the NPPF, together with the “duty to cooperate”, provide a sufficient basis for larger-than-local strategic planning?

Abolition of regional governance in England means that there is now a planning vacuum between local plans and the national Framework. This has serious implications for policy where decisions need to be made about resource use and ecosystems beyond the local level, such as renewable energy, waste policy, river catchment management and integrated transport systems.

In general, the NPPF tends to use words which are unhelpful. A plan is something which is quite definite, clear and actionable. A strategy is more of an aspiration and a direction. Yet in this Framework, it is quite clear to see that the plan is considered to be a strategic document rather than a planning document. There is a need for strategic priorities but this should not be in a plan, what is needed is a local strategy in which a local plan provides actionable detail.

We do not disagree with the strategic policies identified except to say that aspects are missing; the need to recognise the true implications of population growth, and recognition of diminishing resources. Climate change mitigation and adaptation, which have the potential to undermine everything, are oddly placed last in the strategic policy list. It is very clear from many sources, including the Foresight Programme90 of UK Government that we do have extreme challenges to face now in order to allow future generations to have a sufficient chance of developing their own future. We have issues of: land space, water supply, food security, energy security and so on. These are all issues because of population and where it is. Therefore, we cannot have local decision-making, making critical decisions about where people live completely ignorant of the future effects of climate change and resource constraints.

We agree that local plans should have a 15 year time horizon however there should be a local strategy which has a much longer time horizon into which the plan is embedded.

89 TEEB—The Economics of Ecosystems and Biodiversity
90 http://www.bis.gov.uk/foresight
It is acknowledged that there are no specific waste policies and there is little mention of waste infrastructure in the NPPF. Of course everything can be done in parallel and made to “have due regard” to other policies. However this approach, in the past, has always led to manipulation at local level when making planning decisions. What is needed in an overarching planning framework (which this is striving to be) is that all relevant policies; food production, water supply, waste management, energy supply and so on are all integrated within this Framework, not tacked on when it is convenient or running in parallel.

We do not consider that the duty to cooperate will have any significant affect on changing neighbouring authority’s plans and interests.

CIWEM considers that having a Local Plan nominally decided by an independent inspector is inappropriate. In our past experience independent inspectors are often poorly informed on sustainable development and tend to be extremely conservative. They are not usually well-read on matters of climate change or population growth and we doubt whether they have the necessary competencies to examine the Local Plan strategically. We believe that Local Plans should be determined by a panel consisting of neighbourhood representatives supported by independent professional advisers, though these should not be local planning officers.

Are the policies contained in the NPPF sufficiently evidence-based?

We agree that each local planning authority should ensure that the Local Plan is based on adequate up-to-date and relevant evidence. We believe that this evidence should be publicly available and rigorous. It should be intellectually robust, and the evidence base should be scientifically-based in terms of sustainable development.

We agree that planning policy should aim for balance of land uses within their area. However, we would request that deeper and further insight is obtained into what balance of “land uses” looks like in terms of food production, energy production, water management, waste management and so on. There are several UK Government Foresight documents which help in this regard.

The evidence base supporting business needs should be as for the general evidence base; rigorous and scientifically based in terms of sustainable development, and taking full account of population growth, diminishing resources and climate change. Simply building infrastructure for businesses is not about creating economic development. So this paragraph is essentially flawed because it seems to suggest that the solution to business requirements is simply building infrastructure. Economic development is far more than the bricks and mortar in which a business operates.

We agree that local planning authorities should use the best available information to develop and maintain an understanding of the extent and location and mineral reserves in areas and assess a projected demand for the use. But there is more. This assessment must be done in the light of general diminishing resources and therefore should place far greater emphasis on reuse of existing materials before extracting new minerals.

If a plan is well created, well formulated and well resourced it will be deliverable. The reason that plans have not been deliverable in the past is that they have not been well thought through, and the outcomes of those plans have been fairly poorly identified. Consequently, there are the many objections to poorly proposed development. This paragraph should be unnecessary because if the plan is good, has taken into account local requirements (and future stresses) is fully resourced, is intellectually rigorous and scientifically based, then it would be delivered.

26 August 2011

91 Until the National Waste Management Plan is finalised, Planning Policy Statement 10 will remain in force. However, local authorities preparing waste plans should have regard to policies in the National Planning Policy Framework.

92 Paragraph 39