

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	26 September 2011
<b>Title:</b>	National Planning Policy Framework Consultation
<b>Reference:</b>	3288
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Executive Summary

1.1. The purpose of this paper is to inform Cabinet of potential issues likely to be of concern to the County Council arising out of the draft National Planning Policy Framework (NPPF) and to initiate a discussion about matters for inclusion in a possible County Council response to the consultation.

1.2. This paper seeks to:

- Explain the Government policy context in which the NPPF sits and the background to its production;
- Summarise the key proposals in the NPPF;
- Ask a number of questions to stimulate a discussion of the issues at Cabinet
- Suggest a number of key headings which could form the basis for a County Council response to the consultation .

### 2. Draft National Planning Policy Framework

2.1 The Government has published a Draft National Planning Policy Framework (NPPF) for consultation. The deadline for responses is 17 October 2011

2.2 The publication of the draft guidance, alongside the major reform of the planning system process and procedures through the Localism Bill currently going through Parliament, has raised a significant national debate about the future direction of the planning system, the degree to which planning matters are determined locally, issues about planning for and providing infrastructure, the capture and use of developer funding and the new emphasis in policy terms on supporting economic growth.

2.3 It is important to note however that the NPPF itself is confined to policy issues, and not the mechanisms or processes of the planning system. The

national debate to date has focused on the relative balance being proposed between economic growth and social and environmental considerations. This is particularly focused on interpretation of the proposed 'presumption in favour of sustainable development'.

- 2.4 The County Council is likely to wish to respond to such an important consultation document and therefore this item has been brought to this meeting to allow Cabinet to consider the various aspects of the proposed new planning framework and set the parameters for a County Council response.
- 2.5 In addition to this consultation the Communities & Local Government Select Committee is holding an Inquiry into the draft NPPF. The deadline for submissions to this inquiry was extremely short (9<sup>th</sup> September) as the Inquiry aims to report in sufficient time for its findings to be submitted to Government as part of the consultation on the NPPF. The Leader and Executive Member for Environment & Transport jointly approved a statement for submission to this Inquiry. It should be noted that this statement addressed a limited number of specific questions raised by the Select Committee in their call for evidence.
- 2.6 The 'key points' set out in section 4 of this paper summarise the main issues raised in response to the specific questions posed by the Select Committee. While, to some degree these points begin to suggest a broad position on the NPPF, this consultation is the opportunity to submit a more wide-ranging formal response to the consultation on the NPPF itself.

### **3. Summary of Main NPPF Proposals**

#### Introduction

- 3.1 The Framework attempts to condense around 1,000 pages of Government planning policy into less than 60 pages by removing a great deal of the prescription and detail and re-focussing the planning system on the delivery of sustainable economic growth.

#### Presumption in Favour of Sustainable Development

- 3.2 It does this by establishing a "presumption in favour of sustainable development". This presumption should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits. Government sees the primary objective of the planning system being to promote sustainable economic growth and jobs. The planning system is to meet robustly identified needs for new development in full and is to respond positively to market demand and market indicators.

#### Duty to Co-operate

- 3.3 The NPPF requires local planning authorities to work with other authorities and providers to assess infrastructure capacity and needs. It also expects joint working on areas of common interest to be diligently undertaken. County and district authorities are to co-operate with each other on relevant issues in

two tier areas. Local planning authorities will have to provide evidence of having successfully co-operated with adjoining authorities on cross-boundary issues when their local plans are submitted for examination.

### Preparing Plans

- 3.4 Local Plans should be aspirational but realistic. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The NPPF expects up to date Local Plans to be in place as soon as possible and that, in the meantime, planning applications should be determined in accordance with the Framework.
- 3.5 There is a particular emphasis on deliverability and viability. The planning system should not impose such a scale of obligations or other policy burdens on development so as to render them unviable. Assessments of viability and deliverability should facilitate development throughout the economic cycle.
- 3.6 The process of examining local plans remains largely as it is now. However, the 'tests' of soundness have been expanded to include a new 'test'. In addition to plans having to be justified, effective and consistent with national policy, they are now also required to be 'positively prepared'. This means "the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities, where it is practical to do so consistently with the presumption in favour of sustainable development".

### Neighbourhood Planning

- 3.7 Neighbourhood plans must be in general conformity with the strategic policies of the local plan but will have the power to promote more development than is set out in the strategic policies of the local plan. Where 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.

### Development Management

- 3.8 Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Significant weight should be attached to the benefits of economic and housing growth.

### Business & Economic Development

- 3.9 Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should avoid the long term protection of employment land or floorspace and applications for alternative uses of such sites should be treated on their merits having regard to market signals and the relative need for different land uses.

### Transport

- 3.10 Where practical, encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The planning system should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes.
- 3.11 Authorities are encouraged to work together to develop strategies for the provision of viable infrastructure necessary to support sustainable economic growth including transport investment necessary to support strategies for the growth of ports, airports and other major generators of travel demand.
- 3.12 Development should not be prevented or refused on transport grounds unless the residual impacts of development are severe.

### Housing

- 3.13 The Government's housing objective remains that everyone should have the opportunity to live in a high quality, well designed home, which they can afford, in a community where they want to live. Furthermore, Government is clear that it's key housing objective is to significantly increase the delivery of new homes.
- 3.14 Authorities should ensure that Local Plans meet the full requirements for market and affordable housing. They should maintain a rolling 5 year supply of deliverable sites including an allowance of at least 20% on top to ensure choice and competition in the market for land. They should identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, years 11-15 and should not include windfall allowances in the first 10 years of supply unless there is compelling evidence of genuine local circumstances that prevent sites being identified.
- 3.15 In terms of housing choice, authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 3.16 In rural areas local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

### Design

- 3.17 Government attaches great importance to the design of the built environment. Local Plans (including neighbourhood plans) should develop robust and comprehensive policies that set out the quality of development that will be expected. However, design policies should avoid unnecessary prescription or detail. Policies should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

### Sustainable Communities

- 3.18 Authorities should attach very significant weight to the desirability of establishing new schools and enabling local people to do so. Existing open space, sports and recreational buildings and land (including playing fields) should not be built on other than in exceptional circumstances.
- 3.19 The NPPF gives weight to the concept of 'Local Green Space', introduced recently in the Natural Environment White Paper, which is seen as a better way of dealing with the legal complexities of the Town & Village Green legislation (proposed changes to which are also currently out for consultation).

### Natural Environment

- 3.20 Plans should allocate land with the least environmental or amenity value where practical having regard to the presumption in favour of sustainable development. In policy terms distinctions should be drawn between the hierarchy of international, national and locally designated sites. Authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure, should protect the best and most versatile agricultural land and give great weight to protecting landscape and scenic beauty in National Parks and AONBs.

### Other Matters

- 3.21 The NPPF also addresses policy issues related to Green Belts, Climate Change, Flooding & Coastal Change and the Historic environment. These are largely consistent with the existing policy approach. The main difference being that all of these policies are set in the new context of the presumption in favour of sustainable development.

## **4. Key Issues for Consideration**

- 4.1 The key question for consideration is whether the NPPF sets a reasonable national context for the operation of the planning process at the local level whether by way of preparation of planning policy (at district or neighbourhood level) or development management? Is it clear, precise and deliverable by practitioners, politicians and local communities alike?
- 4.2 Drilling down a bit further, is the presumption in favour of development a sufficiently sophisticated mechanism to ensure a balanced approach to the decision making process? Or, as much of the media reporting of criticism of the NPPF has highlighted, is it too heavily biased towards the achievement of economic growth at the expense of local and environmental considerations?

- 4.3 Is it based on a reasoned analysis of the shortcomings of the existing planning system or does it attribute faults to the planning system which are more rightly directed elsewhere?
- 4.4 In distilling down the suite of national policy guidance so radically does the Framework still provide sufficient guidance to policy and decision makers or has it over-simplified things to such a degree there is a policy vacuum?
- 4.5 Does the NPPF provide sufficient leeway for the implementation of the localism agenda or does it constrain local communities' ability to determine the planning future for their own areas?
- 4.6 From a County Council perspective does the Framework in general, and the Duty-to-Cooperate in particular, give us the ability to secure the funding and co-operation from other authorities and stakeholders that we need to deliver infrastructure, services and serve our local communities effectively?
- 4.7 From a local planning authority perspective does it place too much power in the hands of the development industry or is sufficient weight accorded to existing and emerging local plans (core strategies)?

## **5. Possible Key Points of County Council response to the draft NPPF**

- 5.1 In seeking to answer these questions and building on the submission to the CLG Select Committee it is suggested that the County Council should take a strong line to defend its ability to effectively deliver local services. Some initial headline bullet points for the proposed response are set out below. These will obviously be modified to reflect points raised during the Cabinet discussion and will be elaborated and justified by inclusion of more detailed technical input in the final submission.
  - (i) The aim of simplifying the planning process and slimming down the abundance of existing policy guidance is welcomed and overdue. Hampshire has accommodated a significant amount of growth in the past. It considers itself to be "open for business" and as such is keen to ensure that the national policy context is framed in such a way that allows the Council to support appropriate levels of sustainable growth in the future. This requires a planning policy framework which supports the provision of the right development in the right place at the right time. Comments on the NPPF should be seen in this light.
  - (ii) There is concern that the NPPF does not provide an appropriate or balanced context for the preparation of local plans or the determination of planning applications at the local level. Rather, the Government's definition of sustainable development places too much emphasis on the achievement of economic objectives at the expense of social and environmental considerations which risks new development being unsustainable.

- (iii) The Impact Assessment accompanying the NPPF does not fully consider the range of options open to the Government in seeking to revise and consolidate existing planning policy guidance.
- (iv) It is not adequately justified, is lacking in robust evidence for the approach it advocates and is based on a skewed understanding about what the planning system aims to achieve and how it needs to operate to achieve it.
- (v) The draft framework has over-simplified existing policy guidance to such an extent that important detail is lacking in many areas.
- (vi) The paper fails to adequately recognise the importance of planning for strategic issues at the larger-than-local level. It fails to provide an effective and timely mechanism to ensure the Duty to Cooperate in the Localism Bill is adequately addressed early enough in the planning process it also fails to adequately address the resolution of conflicts that will inevitably arise at times during implementation of the Duty to Cooperate.
- (vii) There is a lack of clarity in a number of areas regarding how the NPPF relates to other aspects of Government policy.
- (viii) It risks the creation of a period of local policy void by failing to put in place reasonable transitional arrangements between the new and old planning systems.
- (ix) All of these flaws run the serious risk that, rather than clarify, simplify and speed up the planning process, it will result in greater uncertainty, frustration and delay, with no guarantee of success in delivering more development on the ground.

## **6. Conclusion**

- 6.1 The draft NPPF seeks to radically alter the planning system both in terms of the way in which local planning policy is prepared (and the emphasis of that policy) and the factors to be taken into account in the determination of planning applications. Many of these changes are likely to weaken the ability of elected local Members and local communities to resist development where it is considered inappropriate, it is not accompanied by the infrastructure necessary to support it, or where it has unacceptable consequences on the environment. It is recommended that the County Council should submit a robust response to this consultation along the lines proposed in section 5 above, taking into account any additional issues raised during consideration of this report.

**7. Recommendations**

- 7.1. That the Cabinet considers and endorses an overall response based on the key elements identified in Section 5 of the report.
- 7.2. That authority be delegated to the Leader of the County Council to approve the final response along the lines discussed at this debate for submission to the Government to meet the consultation deadline.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	<u>yes</u>
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	<u>yes</u>
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	<u>yes</u>
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</b>	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u> Funding for Infrastructure Implications of Recent Government Announcements	<u>Reference</u> 2394	<u>Date</u> 22 <sup>nd</sup> December 2010
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u> Draft National Planning Policy Framework <a href="http://www.communities.gov.uk/publications/planningandbuilding/draftframework">http://www.communities.gov.uk/publications/planningandbuilding/draftframework</a>		<u>Date</u> 25 <sup>th</sup> July 2011

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

1.1. No specific equalities issues have been identified.

### **2. Impact on Crime and Disorder:**

2.1. The NPPF will have no specific impacts on crime or disorder.

### **3. Climate Change:**

a) How does what is being proposed impact on our carbon footprint / energy consumption?

No specific impacts have been identified.

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The NPPF contains a section dealing with the impacts of climate change and requires decision makers to adopt proactive strategies to mitigate and adapt to climate change.