



Report to: Cabinet

Subject: Consultation on Draft National Planning Policy Framework

Date: 6th October 2011

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1. Purpose

- 1.1 The purpose of the report is to inform cabinet of the publication of a Government consultation on the Draft National Planning Policy Framework which seeks views by 17th October 2011.

2. Introduction

- 2.1 The draft National Planning Policy Framework is part of the Government's approach to simplifying the planning system. It brings together in one document extant Planning Policy Statements, Planning Policy Guidance Notes and some planning circulars. Consultation on the draft document closes on 17th October 2011 and the document can be found on the following web page :
<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

3. Delivering Sustainable Development

- 3.1 Government is committed to ensure the planning system supports sustainable economic growth. There is a strong presumption in favour of sustainable development which is viewed as a "golden thread" running through the planning system. The draft National Planning Policy Framework also states that sustainable development involves: planning for prosperity (an economic role); planning for people (a social role); and planning for places (an environmental role) and indicates that when taken as a whole all the policies

set out in the draft National Planning Policy Framework constitute the Government's view of what constitutes sustainable development.

Comment

- 3.2 It is inevitable that the interpretation of national policy locally may lead to different policy conclusions about what constitutes sustainable development and this could potentially lead to delays and confusion. Paragraph 15 alludes to this issue but should be reworded to allow for variation from the broad definition of sustainable development in the light of local circumstances.
- 3.3 The presumption in favour of development may unduly favour developer interests and is potentially counterproductive to achieving sustainable development. This is because such statements may make developers less willing to discuss improvements to schemes and encourage an uncritical approval of development.

4. Plan-making

- 4.1 Each Local Planning Authority should produce what is referred to as a Local Plan for its area which can be reviewed in whole or in part. Any additional development plan document should only be prepared where this can be justified. Crucially, Government wishes up to date Local Plans, consistent with the National Planning Policy Framework, to be in place as soon as practical. In the absence of an up to date plan, planning applications should be determined in accordance with the National Planning Policy Framework, including its presumption in favour of sustainable development.

Comment

- 4.2 The flexibility about how many development plan documents should be prepared is welcomed. Whilst, the shortening and simplifying of national planning policies is laudable, this should not be to the extent that much detail will have to be included in the local plan so that it is not silent or indeterminate.

5. Housing Requirements

- 5.1 The key housing objective is to increase significantly the delivery of new homes. The Local Plan should meet the full requirements for housing, identify and maintain a rolling supply of deliverable sites to provide five years worth of housing. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition.

Comment

- 5.2 There is some ambiguity about whether the additional 20% should be applied to the 5 year supply figure or to the total allocation and clarity on this is requested. In any case, it will be difficult to make provision for the additional

20% in Gedling as it is not possible to count potential “windfall” sites within the assessment of five year supply. In Gedling Borough most of the sites identified in the Strategic Housing Land Availability Assessment are windfall sites with some expected to come forward within years 6 – 10.

6. Business requirements

- 6.1 Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across the area. This includes taking into account market signals such as land prices, commercial rents and housing affordability when preparing planning policy and in making planning decisions. The draft emphasises the need to work together with county and neighbouring authorities and with local enterprise partnerships to maintain a robust evidence base.

Comment

- 6.2 The recognition that economic markets cross over administrative boundaries necessitating partnership working especially with the new local enterprise partnerships is welcomed and reflects experience in Greater Nottingham. It is already current practice to take into account market signals but it is important to interpret such signals carefully in order to consider their relevance to longer term planning issues as a 15 year plan is likely to span a number of economic cycles.

7 Ensuring viability and deliverability

- 7.1 To ensure viability, the costs of any requirements such as for affordable housing and local standards and any future contributions under the Community Infrastructure Levy must be assessed against development viability.

Comment

- 7.2 There is reference in paragraph 41 to ensuring local authorities facilitate development throughout the economic cycle which might imply setting a contribution at a minimum level that could be sustained at the bottom of the economic cycle. Clarification is sought as to the meaning of this paragraph.

8. Planning strategically across local boundaries

- 8.1 Details on the duty to cooperate on planning issues that cross administrative boundaries are set out. This includes ensuring that strategic priorities across local boundaries are properly addressed in individual local plans. Local planning authorities will need to demonstrate evidence of such successful cooperation at the examination into the soundness of the Local Plan.

Comment

- 8.2 Supported and is consistent with the partnership approach towards the preparation of the Aligned Core Strategies for Greater Nottingham.

9. Examining Local Plans

- 9.1 As well as being justified, effective and consistent with national policy, Local Plans must also be positively prepared. This means meeting objectively assessed development needs and infrastructure requirements including unmet requirements from neighbouring authorities.

Comment

- 9.2 Noted

10. Neighbourhood Plans

- 10.1 Neighbourhood plans should be in conformity with the strategic policies in the Local Plan but the National Planning Policy Framework also indicates that policies in the Neighbourhood Plan will take precedence over existing policies in the Local Plan where they are in conflict.

Comment

- 10.2 The National Planning Policy Framework should clarify that Neighbourhood Plans must be in conformity with the higher order Local Plan.

11 Development Management

- 11.1 Emphasis is placed upon taking a positive approach to development management decisions, looking for solutions, quality outcomes and achieving sustainable development.

Comment

- 11.2 It is unhelpful that in certain places the tone of the National Planning Policy Framework implies that some local planning authorities may hinder or prevent development as generally this is not the case in Gedling Borough's view. Paragraph 61 which seeks to encourage statutory consultees to become proactively engaged in development proposals at an early stage is though most welcome.
- 11.3 There are omissions in the proposed National Planning Policy Framework, including the lack of a reference to the importance of having in place an effective and efficient consultation process so as to engage with interested 3rd parties, including members of the public, which is consistent with the spirit of localism. Also not mentioned is the importance of effective delivery and monitoring (including enforcement) to ensure that development delivered achieves its intended outcomes.

12 Business and Economic Development

- 12.1 A proactive approach towards meeting the development needs of business is promoted. Protecting the viability and vitality of town centres remains a priority although there is no longer any requirement for offices to be subject to the sequential approach to site selection or for them to be subject to a retail impact test. Support is given to improving the quality of life in rural areas and to diversify the rural economy. A brief reference is made in terms of identifying priority areas for regeneration.

Comment

- 12.2 The National Planning Policy Framework concentrates on new growth and makes little mention of the need for the regeneration of run down communities. This should be addressed as a priority in the National Planning Policy Framework, as a key aspect of sustainable development, as it would make the most efficient use of previously developed land and revitalise communities.
- 12.3 Omitting offices from the sequential approach significantly weakens the Government's commitment to a town centre first policy and is at odds with the treatment of other key town centre uses such as retail or leisure.

13 Transport

- 13.1 Development should be located in highly accessible and sustainable locations. The major change is that the ceiling on parking standards should be set locally.

Comment

- 13.2 Agree that maximum parking standards should be determined locally.

14 Design

- 14.1 Objectives are to promote good design that ensures attractive, usable and durable places.

Comment

- 14.2 Design contains aspects that could contribute more towards achieving sustainable development and ought to figure more prominently in the National Planning Policy Framework. In particular, the National Planning Policy Framework should recognise the importance of good design in mitigating and adapting to climate change.

15 Sustainable Communities

- 15.1 There is continued protection for existing open space. Detail is provided on the new Local Green Space Designation. Local communities through local and neighbourhood plans should be able to identify green areas for special protection akin to green belt policy. Such designations should complement

the growth strategy in the Local Plan and are intended to be long term designations.

Comment

- 15.2 National policy needs to be clearer about the purpose behind such local designations as most green areas or open space are likely to be close to urban areas and are capable of being protected.

16 Green Belt

- 16.1 The draft largely reiterates existing Green Belt policy, although development brought forward under a Community Right to Build Order would be deemed acceptable provided it does not harm the open character of the Green Belt. The National Planning Policy Framework does not resolve the inherent policy tensions between maintaining the permanence of the Green Belt whilst meeting necessary development needs.

Comment

- 16.2 Whilst, the draft continues to strongly restrict development in Green Belt, the opportunity to give a steer on the need for long term reviews of the Green Belt in the light of development needs has been missed.

17 Climate change, flooding and coastal change

- 17.1 Planning should fully support the transition to a low carbon economy and adopt proactive strategies to mitigate and adapt to climate change. Local planning authorities may consider identifying suitable areas - called "opportunity areas"- for renewable and low carbon energy facilities. Planning applications for energy development should be considered favourably and applicants will not be required to demonstrate need. Planning applications should be approved if its impacts are (or can be made) acceptable.
- 17.2 In terms of flood risk the National Planning Policy Framework makes reference to Planning Policy Statement 25 advice in terms of managing flood risk and there are no changes in this respect.

Comment

- 17.3 Note - PPS 25 is identified as a document which is due to be cancelled but is clearly required in some form or other. The same could be said of a number of other detailed policy aspects set out in other Planning Policy Statements and Guidance and mentioned elsewhere in this report.

18 Natural Environment

- 18.1 The National Planning Policy Framework sets out that the "planning system should aim to conserve and enhance the natural and local environment". Valued landscapes should be protected and the impact on biodiversity

minimised. Where possible, net gains in biodiversity should be provided. New and existing development should be prevented from contributing to, or being at unacceptable risk of pollution.

- 18.2 Land of a lower environmental value should be allocated where practical. Criteria based policies should be set to allow proposals that affect protected wildlife sites or landscape areas to be assessed.

Comment

- 18.3 While the National Planning Policy Framework is largely similar to existing policy, useful details have been lost which may need to be addressed at the local level.

19 Historic Environment

- 19.1 A large amount of the PPS5 has been carried across to the National Planning Policy Framework. The National Planning Policy Framework requires that heritage assets are protected and enhanced in a manner appropriate. The harm or loss of a designated asset requires clear and convincing justification and should be exceptional (for Grade II) or wholly exceptional (Grade I and II*).

Comment

- 19.2 Support the overall approach.

Recommendation

that Cabinet note the comments in this report and the consultation responses in Appendix 1 are accepted as the formal comments of the Borough Council and are sent to the Department of Communities and Local Government by 17th October 2011.

Appendix 1 Consultation Questions and response

Question 1a Delivering Sustainable development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly

Disagree. It is inevitable that the interpretation of national policy locally may lead to different policy conclusions about what constitutes sustainable development and this could potentially lead to delays and confusion. Paragraph 15 alludes to this issue but should be reworded to allow for variation from the broad definition of sustainable development in the light of local circumstances.

The presumption in favour of development may unduly favour developer interests and is potentially counterproductive to achieving sustainable development. This is because such statements may make developers less willing to discuss improvements to schemes and encourage an uncritical approval of development.

Question 1 b

Do you have comments? (Please begin with relevant paragraph number)

No additional comments

Question 2a Plan Making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

The additional test is noted.

Question 2b

Do you have comments? (Please begin with relevant paragraph number)

The flexibility about how many development plan documents should be prepared is welcomed. Whilst, the shortening and simplifying of national planning policies is laudable, this should not be to the extent that much detail will have to be included in the Local Plan so that it is not silent or indeterminate.

Question 2c: Joint Working

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Generally agree.

Question 2d

Do you have comments? (Please begin with relevant paragraph number)

No additional comments

Question 3a

Development Management

Decision taking in the policies on development management, the level of detail is appropriate.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Disagree. The National Planning Policy Framework would benefit from including a definition of development management which could be included within the relevant section (paragraph 53) or failing that in the glossary. Paragraph 1.4 of the draft PPS 'Development management: Pro-active planning from pre-application to delivery' published in December 2009' provides a concise and clear definition of what development management is. This definition could be supplemented through the following phrasing:

'Sustainable development can be best delivered through a positive and proactive approach towards planning. Local planning services need to facilitate development opportunities, influence development proposals to achieve quality outcomes and solve problems to deliver sustainable development.'

The development management part of the National Planning Policy Framework then needs to explain the elements of development management and how local authorities and those proposing or with an interest in development can work proactively to assist and ensure that sustainable development is delivered in a timely manner. The key elements are:

- Effective and efficient pre-application discussions;
- Good quality development application submissions with an appropriate level of detail;

- Effective and efficient consultation process;
- Local planning services that have effective and efficient determination processes that are based on principles of timeliness, fairness, openness and transparency and consistency;
- Use of planning conditions and obligations
- Effective and efficient delivery and monitoring (including enforcement) processes to ensure that the development delivered does achieve its intended outcomes.
- Effective and efficient appeal process

The NPPF as currently drafted does cover some of the above key elements of development management albeit in insufficient detail. However, it does not provide advice and guidance in relation to delivering and monitoring the delivery of development or in relation to appeals and this should be included in the final National Planning Policy Framework.

Question 3b

Do you have comments?

Paragraph 66 - further guidance is required on the use of community right to build orders and in relation to how development brought forward in this manner will be monitored to ensure that it is built as envisaged.

Question 4a and 4b

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Tend to disagree. Concerns are raised about the lack of guidance in a number of policy areas throughout this response (for example under 5a). In the past, policy guidance issued by the relevant Government Department has been held by the courts to be a material consideration. It is unclear whether guidance produced by an organisation outside of Government would carry the same weight.

There is certainly a role for purely technical advice to be issued by Government Agencies such as Natural England or the Environment Agency as these bodies provide particular expertise. There is no reason why guidance should be light touch as it needs to provide certainty but should be as brief and concise as possible.

Question 5a

The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Neither agree nor disagree as the draft does certainly encourage economic activity but there are a number of concerns and policy omissions that would undermine both investor certainty and confidence not least is the potential confusion over how sustainable development may be interpreted in different ways. There is also a lot of important advice and guidance set out in current PPS/PPGs which is no longer to be provided such as advice in PPS 4 about the applicability of retail policy to proposed extensions to retail stores and this can only lead to uncertainty.

Question 5b other comments

Paragraph 29 - The recognition that economic markets cross over administrative boundaries necessitating partnership working between county and neighbouring authorities is welcome and reflects current practice in Greater Nottingham. In particular, the reference in paragraph 29 to working in partnership with the local enterprise partnerships (LEPS) is especially welcome. This should help strengthen sub regional planning arrangements in locations such as Greater Nottingham.

Paragraph 75 states that policies should avoid the long term protection of employment land or floorspace conflicts with advice in **paragraph 24** which is concerned with making long term allocations. Perhaps the issue is more about deterring local planning authorities from simply re-allocating employment land without evidence of need and reasonable prospect of take up in which case the advice in PPS 4 EC2.1 (h) should be restated.

Paragraph 30 provides for the identification of priority areas for economic regeneration. It is a pity that previous policy in PPS 4 about the need to understand the "drivers" behind deprivation is not retained. Experience in Gedling and elsewhere highlights the importance of understanding and addressing the underlying causes of deprivation through planning and complementary policies relating to both people and places.

Paragraph 30 should define what is meant by economic development and it is suggested that the definition of economic development as set out in paragraph 4 of PPS 4 should be incorporated into the National Planning Policy Framework or alternatively placed in the glossary.

Question 5c

What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

Paragraph 19 should be qualified to state that local circumstances and market signals should be taken into account where they are indicative of longer term planning issues.

Question 6a

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

Do you agree/not agree?

Disagree. Offices are a key town centre business use and a significant travel generator and should be treated in the same manner as retail and leisure. Current policy in PPS 4 does not preclude office development being located in out of centre locations subject to the sequential test being satisfied as evidenced by the fact that 89% of office floorspace was located out of centre¹. Given this fact, it is hard to accept the conclusion drawn in the Impact Statement that the sequential approach is imposing too high a financial burden on business which seems to be more based on a simple comparison of rental levels in different cities rather than a complete and objective analysis. It is respectfully requested that office developments are included within the sequential approach to site selection.

Question 6 b

Do you have comments? (Please begin with relevant paragraph number)

Paragraph 76 - identifying an appropriate scale of development and ensuring that the scale of sites selected are commensurate with the role and function of the centre in the retail hierarchy and the catchment served is considered to be a fundamental national planning principle set out in PPS 4. There is a risk that in the absence of national guidance providing consistency on this issue then development of an inappropriate scale could be permitted potentially undermining the retail hierarchy in a locality.

Paragraph 76 - There is no definition of town centre uses unlike PPS 4 and this should be included in the glossary.

Paragraph 79 of the draft requires local planning authorities to require an impact assessment for out of centre retail and leisure proposals not in accordance with an

¹ Source: Draft National Planning Policy Impact Assessment

up to date development plan. This is largely procedure and unlike PPS 4 provides no guidance on judging the acceptability of any proposals against the various retail impact tests. A major omission is policy requiring the consideration of retail impact taking account of the likely cumulative effect of other recent permitted development and completed development.

Question 7a Transport

The policy on planning for transport takes the right approach.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Neither agree nor disagree that the section takes the right approach. The section recognises the role that transport can play in promoting sustainable economic growth and reducing green house emissions.

Question 7b

Do you have comments? (Please begin with relevant paragraph number)

Paragraph 82 also highlights the health benefits of more sustainable forms of travel, but this objective is not picked up or elaborated upon elsewhere in the section. The health benefits of promoting more sustainable modes of transport could be set out in paragraphs 88 to 94, without over lengthening the section.

Paragraph 86 suggests that only applications that cause severe impacts should be refused on transport grounds, this may have the result of setting the bar too low when assessing whether applications should be granted or not and may reduce the ability of local decision makers to make improvements to development proposals.

Paragraph 93 is interesting in that the overall thrust is to reduce the overall use of high-emission vehicles; however it is unclear how the planning system can achieve this as it is a private decision as to whether to purchase a high emission car or a low emission car. The paragraph suggests that there should still be a reliance on private vehicles which will need to be accommodated as part of developments. It would be more logical if the last point of paragraph 93 required local planning authorities to take into account the need to incorporate facilities to facilitate the use of low-emission vehicles.

Question 8a and 8b

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Do you have comments? (Please begin with relevant paragraph number)

Paragraph 97 suggests that local planning authorities need to request information on the impact that telecommunications equipment may have on other electrical equipment, air traffic services or instrumentation operated in the national interest. It is unclear whether the impact on electrical equipment is just in relation to that operated in the national interest or if it also extends to equipment on private property, this needs to be clarified.

Paragraph 97 - Local planning authorities will need to know where equipment that is operated in the national interest is located and also guidance will need to be produced in order establish who needs to be contacted and under what circumstances and what information they require. If local planning authorities are to be charged with the responsibility of protecting electrical signals then there will be a requirement for 'expert' advice to provide an assessment on applications and to support local authorities at appeal if applications are refused on the grounds of interference. It may be difficult for local planning authorities to set planning conditions to control or reduce interference that would meet the condition tests set out in paragraph 69. It will be unworkable if all electrical equipment, even that on private properties, is to be protected from interference.

Paragraph 97 - The second bullet point of paragraph 97 indicates that when new buildings or other structures are proposed local planning authorities will need to ensure that these will not cause interference with broadcast and telecommunications services. This suggests that domestic and commercial properties broadcast and telecommunications services will need to be protected. Again if local planning authorities are to be charged with the responsibility of protecting broadcast and telecommunications services then there will be a requirement for 'expert' advice to provide an assessment on applications and to support local authorities at appeal if applications are refused on the grounds of interference. It may be difficult for local planning authorities to set planning conditions to control or reduce interference that would meet the condition tests set out in **paragraph 69**.

The implications of paragraph 97 could be costly for local planning authorities in terms of gathering information, requiring expert advice as part of the decision making process both handling applications and at appeal. This must be recognised and more resources may be required.

Paragraph 98 - Clarity is required on whether the protection of electrical equipment signals needs to be considered with both prior notification and applications for planning permission. If so paragraph 98 needs to be expanded to cover this.

Question 9 Minerals

The policies on minerals planning adopt the right approach.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Do you have comments? (Please begin with relevant paragraph number)

No comments

Question 10a

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Neither agree nor disagree.

Question 10b

Do you have comments? (Please begin with relevant paragraph number)

Paragraphs 28 and paragraph 111 - clearer definitions and guidance would be required to assist local planning authorities for example; there is reference to both meeting housing need and demand which in reality can mean totally different things.

Paragraph 109 - what is meant by “full requirements for market and affordable housing market in the housing market area”?

Paragraph 28 - with the revocation of Regional Strategies, it is not clear how local planning authorities are to establish their own housing requirements.

Paragraph 109 - It would be difficult to make provision for at least an additional 20% to ensure choice and competition in the market for land where windfall sites are not allowed in the first 10 years. It is not clear how local planning authorities bring back empty housing and buildings and guidance would be needed.

Paragraph 111 - guidance would be needed to assist local planning authorities on how to address “local demand” in “particular locations” when identifying size, type, tenure and range of housing required.

Paragraph 113 - guidance would be needed in terms of what should be assessed for homes for farm workers, where development secure future of buildings of special architectural or historic interest and the re-use redundant or disused buildings.

Question 11 Schools

The policy on planning for schools takes the right approach.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Do you have comments? (Please begin with relevant paragraph number)

No comments

Question 12a and 12b

The policy on planning and design is appropriate and useful.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Do you have comments or suggestions? (Please begin with relevant paragraph number)

Design codes are a useful tool and should be made use of more and it is agreed that design policies should not be over prescriptive and should concentrate on guiding overall scale, density, massing, height, landscape, layout and access to a development.

Paragraph 119 - 'Good' architecture does not necessarily mean 'good' design and paragraph 119 is too be welcomed in this respect.

Paragraph 123 introduces advice in relation to controlling outdoor advertisements, but is too brief. The starting point to control advertisements should be impact on amenity and public safety. The aspects of amenity and public safety that should be considered must be expanded upon.

Paragraph 116 - There are a number of aspects missing in the design section from a development management perspective. First is in relation to the ability for Development Management officers to be able to bench mark in order to be capable of assessing whether 'good architecture' and 'good landscaping' (paragraph 116) is being proposed. It would be useful to define 'good', good can mean mediocre but it can also mean high quality. The building for life criteria does provide a useful tool to objectively assess the quality of housing schemes and should be referred to in this section.

Paragraph 114 - There is no reference in the design section to protecting and safeguarding the amenity of neighbouring residents and providing good living conditions for future occupants. This is an important aspect of high quality design and is fundamental to being able to achieve the objective of enabling everyone to have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live (paragraph 107).

For new buildings to be adaptable in order to meet the challenges of climate change, changes will need to be made to the way in which developments are laid out and

housing is designed, there is no reference in the section to this. The planning system can assist in creating adaptable developments and reducing need for resources by (though there does need to be a clear distinction over what the role of the planning system should be and what the role of the building regulation system is in relation to creating more resource efficient buildings):

- Assessing layouts to maximise building orientation;
- Encouraging use of Sustainable Urban Drainage Systems;
- Influencing building layout to maximise orientation, create homes that are adaptable (use of lifetime homes standards and code for sustainable homes);
- Ensuring good access to local facilities and services and to public transport;
- Providing sufficient private and public open spaces.

If there is to be an increase in the use of solar collectors for heating and meeting electricity requirements then planning needs to be charged with the duty of protecting existing developments and ensuring that buildings proposed as part of new development are not overshadowed in a manner that would reduce capability of using solar collecting technology.

Question 13a

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Generally agree that the draft policy on Green Belt gives a strong message on Green Belt protection.

Question 13b

Have you comments to add? (Please begin with relevant paragraph number)

Paragraphs 138 – 140. The retention of Green Belt policy is strongly supported. However, there is a tension between the permanence of Green Belt and meeting necessary development needs set out in the local plan. The opportunity could be taken to firm up the policy guidance on the provision of “safeguarded” land in order to meet longer term development needs stretching beyond the plan period. This would include a stronger direction for local planning authorities to identify safeguarded land to meet long term development needs especially where there is a need to work across administrative boundaries. Guidance on the meaning of “longer term” would also be useful.

Paragraph 142 – PPG 2 states that the onus should be on the applicant to demonstrate why permission should be granted and this principle should be retained.

Paragraph 145 of the NPPF changes the emphasis on the definition of inappropriate development from that currently contained in PPG2 at paragraph 3.12. Paragraph 3.12 states that ‘engineering and other forms of material changes in land are inappropriate unless they maintain openness’, whilst paragraph 145 states that ‘other forms of development are also not inappropriate in the Green Belt providing that they preserve the openness of the Green Belt’. The change in emphasis in paragraph 145 is expressed clumsily and paragraph 3.12 does provide better phrasing.

Paragraph 145 - On the question of the redevelopment/infill of major developed sites in the Green Belt the current policy of taking a plan led approach to these sites is preferred and arguably fits better with the localism agenda.

Paragraph 145 - With respect to development permitted under a Community Right to Build Order this has been added to the list setting out the forms of developments which are not inappropriate in Green Belt provided they retain its openness. This potentially undermines Green Belt policy and conflicts with the thrust of policy set out in paragraph 50 that Neighbourhood Plans should conform to strategic policy in the Local Plan. This potential conflict requires clarification especially in a Plan led system given the primacy of the development plan as set out in legislation.

Question 14a and b

The policy relating to climate change takes the right approach.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

This section should recognise the importance of good design in mitigating and adapting to climate change. The section tends to focus on flood risk but should also focus on the heat island effect of urban areas. The overall design and layout of urban areas needs to provide for cooling not just in relation to buildings but also through the provision of green spaces/trees etc within urban areas.

The section does need to make reference to enabling large development schemes to make use of Allowable Solutions, which is a concept that enables sites that do not lend themselves easily to providing on-site means of utilising renewable energy to still be able to make a contribution towards reducing consumption of resources (fossil fuels and water). The National Planning Policy Framework needs to set out how Allowable Solutions schemes could work and require local planning authorities to devise such schemes based on local circumstances.

Question 14c

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

No comment

Question 14d

Do you have comments? (Please begin with relevant paragraph number)

No comments.

Question 14e

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

No comments

Question 14f

Do you have comments? (Please begin with relevant paragraph number)

Paragraph 153 – Guidance would be needed to assist local planning authorities on identifying and mapping opportunity areas for renewable and low carbon energy.

Question 14g

The policy on flooding and coastal change provides the right level of protection.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

No comment.

Question 14h

Do you have comments? (Please begin with relevant paragraph number)

Paragraph 156 - Further guidance on the sequential test, exceptions test a flood risk assessments would be helpful to assist local planning authorities as it is noted that PPS 25 is to be cancelled.

Question 15a

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

No comment

Question 15b

Do you have comments? (Please begin with relevant paragraph number)

Paragraph 165 - while the National Planning Policy Framework is largely similar to existing policy (whilst noting that in many areas useful details have been lost which may need to be addressed at the local level) there are a number of areas where the wording of phrases potentially indicates a shift in emphasis. As noted above, the National Planning Policy Framework requires that “where practical” land with the least environmental value or amenity value is allocated. While this is a shift away from the emphasis given to ‘previously developed land’ or brownfield land it recognises (as does PPS9 Para 13) that some brownfield land has significant environmental value. Preference for ‘land of lower environmental value’ does indicate a requirement to assess for ‘environmental quality’ and also that a value may have to be placed on that quality in comparison to other sites. This is perhaps more subjective than an emphasis on brownfield/previously developed land which is generally an either/or situation.

Paragraph 164 - Existing policy expresses its objectives in terms of “preventing harm” to the natural environment (PPS9 Para 1vi and Draft PPS NE8.1). In contrast the National Planning Policy Framework refers to using the planning system to “minimise impact” (Para 164). The meaning of this change will likely be explored in appeal and high court decisions in the coming years. Our view is that this is likely to result in permission for development being granted where it previously may not have.

Paragraphs 163 - 175 - the section on the natural and local environment fails to acknowledge the role that developers must play in terms of providing adequate information to assess applications. It is important that it is clear in the NPPF that up to date information on ecological matters are submitted as part of planning applications in order to enable us as a local authority to meet our duties as set out in section 40 of the Natural Environment and Rural Communities Act 2006.

Question 16a

This policy provides the right level of protection for heritage assets.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

Paragraphs 176 – 191 - the statement in PPS5 (HE9.1) that there should be a “presumption in favour of the conservation of designated assets” has not been

carried through to the Draft National Planning Policy Framework. However, there is still a high level of protection given to designated heritage assets. Equally, the mechanism to refuse to validate applications where the extent of the impact cannot be adequately assessed has also been lost. This mechanism has rarely, if ever, been used at Gedling Borough Council as the level of information would need to be assessed by our conservation advisors through consultation and not at the validation stage.

Question 16b

Do you have comments? (Please begin with relevant paragraph number)

Paragraphs 176 – 191 while the draft National Planning Policy Framework does continue many elements of PPS5 there is perhaps a missed opportunity to clarify certain issues including the protection to be given to non-designated assets. Additionally matters of detail may have to be addressed at the local level. This detail provided useful information on the type of non-designated archaeological assets that can be treated as designated (PPS5 HE9.6) and the detail related to 'enabling development'.

Paragraph 37 of the NPPF sets a strange conundrum for local planning authorities of having to be able to predict the likelihood of discovering unidentified heritage assets. The only way of achieving this would be through more extensive research and physical surveys of an area.

Paragraph 177 should be expanded to include the objective of promoting and providing education on the significance of historic assets.

Paragraph 182 is extremely important and its inclusion is welcomed.

Paragraph 183 local interest buildings should be referred to as they fall just below listed buildings and are given no value in this document – they are a forgotten group of buildings that need some national recognition.

Paragraph 185 to achieve sustainable development surely should automatically require a balance of social, environmental and economic impacts the loss of undesignated heritage asset should be a social consideration.

Paragraph 188 there is a difficulty in terms of interpreting 'enhancement' should LPAs have positive enhancement plans for their conservation areas prepared with local communities?