

# RESPONSE TO DRAFT REPLACEMENT NPPF 2018 BY LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

## CHAPTER 1: INTRODUCTION

### Consultation Q1: Do you have any comments on the text of Chapter 1?

#### Proposal:

This chapter will need a brief additional paragraph at the end to explain the structure of the document in order to set out the storyline.

The document essentially sets out the principles (Chapter 2), the process (plan-making and decision-making in chapters 3 and 4), whilst the policy chapters need packaging into proactive planning policies (planning for ....) and those which set out the “policy constraints” (Green Belt; Climate, etc; Natural Environment and Heritage Environment).

There needs to be a strong storyline – building towards a more sustainable pattern of urban development through securing the right development in the right place. (see below)

## CHAPTER 2: ACHIEVING SUSTAINABLE DEVELOPMENT

There is a need for an additional paragraph that explains what the document is trying to achieve - the right development in the right place - which means a more sustainable pattern of urban development. It means harnessing growth to improve the sustainability of our existing urban areas by locating new development in places that are accessible by sustainable modes of transport and, in the case of housing, which have easy access to local services, amenities and local social infrastructure. For economic uses, especially main town centre uses, it means locating them where they are accessible by sustainable means of transport - in the town centre and/or close to public transport interchanges.

Securing the right development in the right place means having clear locational criteria for new development is essential, both for selecting site allocations and for assessing other development proposals. All developments, whether allocated sites or sites brought forward by developers in other locations, should have to face the same assessment criteria. These criteria should be on the face of this document and in the local plan, in order to assist the assessment of unallocated sites.

The right development is one that meets the needs of the users. In the case of housing, that means the right type, size, tenure and cost for the people seeking homes in the area, particularly those on low incomes for whom rents should be around 35% of their take home earnings. For commercial development it means development that can deliver the most suitable floor space and facilities in highly accessible locations.

#### Proposal:

This will require additional text **at the end** of Chapter 2 setting out what seeking sustainable development in spatial planning terms means – see text at answer to Question 4 below on the right development in the right place.

**Consultation Q2: Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?**

**No**

London Forum is concerned that the need for housing would appear to trump/displace the objectively-assessed need for economic uses. This is a real problem if it means displacing existing offices from town centres when there are no allocated sites in town centre or edge-of-centre areas, as any sites have already been allocated for housing.

Local capacity of land for development and the availability of social and other infrastructure, including public transport, are key factors in decision making (paragraph 11). Development will be sustainable only if it creates sustainable communities with access to the right kinds of homes at the right prices to buy and to rent, with the availability within easy reach of the services and facilities people will need and to local jobs.

**Para 8 b)** The words "accessible services" are not adequate. We suggest using the words "convenient access to local infrastructure, facilities, services, transport and leisure activities"

The changes from the existing NPPF would weaken the protection of heritage.

**Para 8 c)** should promote the need to re-use existing buildings wherever possible to avoid the environmental impact of demolition. The words 'reusing buildings' should be placed after the word "land".

**Para 8 (c)** Line 3: change "use" to "using" and "minimise" to "minimising";  
Line 4: After "pollution," add "reducing the need to travel" and change "mitigate" to "mitigating" and "adapt" to "adapting"; and  
Line 5: after "including" add "reducing emissions and"

London Forum **proposes** that the current NPPF's paragraph 9 is restored into the draft replacement NPPF - "Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life."

In the new draft paragraph 9 it is insufficient to "take local circumstances into account, to reflect the character, needs and opportunities of each area". Add ', infrastructure capacity' after the word "needs".

The new para 9 states that the objectives of sustainable development "are not criteria against which every decision can or should be judged", which weakens the policy. These words should be omitted or changed, because developments should not be approved that fail to meet the stated economic, social and environmental objectives.

**Para 9:** Unsatisfactory that the paragraph (para 8 in the current NPPF) about mutual dependence of Sustainable Development objectives has been deleted; it is particularly unfortunate that the statement in the current NPPF that economic, social and environmental goals should be sought jointly through the planning system, as not to include this seems to weaken the force of the presumption of Sustainable Development.

**Proposal:** Reinstate the whole of para 8 of the current NPPF

London Forum proposes that development which would not be sustainable should be

refused and that there should be a paragraph to state that and planning guidance should also be updated to assist local authorities in decision making in such cases.

**Footnote 7** on page 6, the words “Metropolitan Open Land (in London), conservation areas, non-designated heritage assets and World Heritage Sites”, should be added after the words “Green Belt.” This would accord with NPPF paragraph 135. This footnote 7 is referenced in footnote 27 and it would be better to include footnote 7 in the body of the text to support correct decisions.

**Para 11:** Unsatisfactory that needs have been limited to housing and other development rather than the broader sense of ‘needs’ used in the current NPPF. Needs of communities go wider than just housing and other development to include, say, open spaces and a clean environment

**Proposal:** Delete ‘for housing and other development, or at least add ‘including’ before ‘housing’ in para 11b

**Para 11 b)i** uses the term “strong reason for restricting” which is not as precise as the existing NPPF wording of “indicate that development should be restricted”. The change in the new draft NPPF is unacceptable because the word “strong” introduces an element that is subjective and could result in a lot of legal arguments about just how strong the reason is.

**Para 11 d)i** uses the words “clear reason for refusing”, so it is not helpful to have two tests expressed differently.

**Para 14:** The new 14b seems to imply that adverse impacts of development will be trumped by need for development where a LA does not have a 3 year supply of housing sites, which seems very arbitrary. This is a major new qualification against adverse effects of development.

**Proposal: Delete para 14 b**

**Consultation Q3: Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?**

**No** - not unless the third bullet - “proactively drive and support sustainable economic development to deliver business and industrial units” is added as a headline message in Chapter 6. This seems to be part of a general downgrading in the weight/priority given to economic activities.

The core principles are a helpful statement for the beginning of the document.

**Proposal:** London Forum proposes adding “proactively drive and support sustainable economic development to deliver .. business and industrial units” to opening paragraph of Chapter 6.

**Consultation Q4: Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?**

London Forum wishes to make clear that neighbourhood plans will never provide all the 'local' area policies within Local Plans in London for all allocated sites. That would require over 100 neighbourhood plans in each of the 33 boroughs and there are not the resources to produce them nor to process them in Local Authorities.

Despite the recommendations of the Expert Panel on Local Plans, comprehensive Local Plans **are** required in London with Site Allocations, Area Action Plans, Development Plan Documents, Local Development Orders (NPPF paragraph 52), Supplementary Planning Documents and Permission in Principle definitions where necessary to guide development to meet objectively assessed needs across the borough and on a Duty to Cooperate basis.

Having "Top Level" Local Plan policies and neighbourhood plans is not a suitable model for the capital or for many urban areas. The London Plan forms the core strategies for each borough, to which they need to add policies in their Local Plan to achieve the right development, of the right design, delivering the right facilities in the right locations.

London Forum's main comments on Chapter 2 are made in response to Question 2 above.

### **Sustainable development or a more sustainable pattern of urban development?**

Whilst sustainable development is a goal, in operational terms for planning it is about getting the right development in the right place. If we only add 1% per year to our developed area, where that development goes and the form that it takes has the potential to improve the sustainability of our patterns of urban development or, if we allow development in the wrong places, to make the pattern less sustainable.

The NPPF should interpret sustainable development in spatial terms as getting the right development in the right place and then to spell out what that means in terms of the selection criteria for allocating sites for housing, main town centre uses, especially economic uses, and community uses, with the aim of improving accessibility and reducing dependence on car use. These criteria are at present scattered around the document

### **Proposal:**

A short link section should be provided to explain the route map, especially how the subsequent chapters contribute to shaping a more sustainable pattern of urban development. It could be the most useful 270 words in the whole document. It should identify criteria for selecting not only housing sites and employment sites, but also recognise that existing town centre uses, such as offices, should be maintained in town centres, unless they are no longer needed for that purpose or for other town centre uses.

### **The right development in the right place**

To promote sustainable development the planning system seeks to achieve a more sustainable pattern of urban development by ensuring that right type development is encouraged to locate in the right places. To do this development plans need to identify/allocate sites which meet the appropriate selection criteria.

### **Housing sites** should meet the following criteria:

- a) be accessible by a choice of means of transport, especially public transport to ensure accessibility to jobs, shops, leisure, education, health, etc;

- b) have easy access to a wide range of local services, amenities and local social infrastructure, such local shops, a primary school, a GP surgery, a local park; and, where appropriate
- c) reuse previously-developed land;
- d) new housing development and social infrastructure should be coordinated; and
- e) encourage development that would be compatible with local character and context.

These selection criteria should be used for identifying sites in local plans, but any sites brought forward by developers outside this process will also need to meet the same criteria to ensure that new developments contribute positively to achieving a more sustainable pattern of urban development.

**Employment sites** should meet the following criteria:

- a) be accessible by a choice of means of transport, especially public transport;
- b) for more intensive employment uses, such as offices, be located within town centres or close to public transport interchanges; and
- c) reuse previously-developed land.

These criteria should be used both for identifying new sites and for reassessing land currently allocated for employment uses

**Main town centre uses**, such as shops, leisure, entertainment, offices, arts, culture and tourism, should be located and retained within town centres, where they are accessible by a choice of means of transport, especially public transport, and maintain a critical mass of such uses in the town centre to support its viability and vitality as a major driver of the local economy. If developers propose to develop sites outside town centres, they will need to demonstrate that they could not find a more central and suitable site that could be available within a reasonable time period.

**Proposal:** The new chapter 11 on 'making efficient use of land' and chapter 12 on 'achieving well designed places' are both vital for plan preparation. Therefore, they should be placed before chapter 3.

## **CHAPTER 3: PLAN-MAKING**

**Consultation Q5: Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?**

**Consultation Q6: Do you have any other comments on the text of Chapter 3?**

Regarding **paragraph 18**, in London, local policies will primarily be in local plans as the coverage of neighbourhood plans is and will for the foreseeable future be very patchy.

London Forum **supports strongly** the policies for "strategic site allocations" in paragraphs 20, 24 and 30.

**Paragraph 20**, after the words "strategic site allocations" add 'for each development site'.

**Paragraph 20 (a)** we welcome the reference to the pattern of development but propose strongly inserting "urban" before "development".

**Paragraph 20 (c)** needs to reflect the "town centre first" emphasis of Government policy by adding "focused in town centres"

**Paragraph 20 (e)** add "accessible" before "community facilities"

**Paragraph 21**, London Forum does not support the proposal that "Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other local policies." See response to Q4. Site allocations are stated as being 'strategic' and should be allowed to define what is required (and what would not be acceptable) in areas within a Planning Authority's total area. That sentence of 21 words should be deleted to provide space for the additions that the new NPPF may require.

**Paragraph 24**, there should be a requirement that the allocations should consider the impact on the historic environment.

Also, in **paragraph 24**, since the overall aim is to bring forward the right development in the right place [as in paragraph 8(a)] this needs to be reflected here in line 3 by adding "in the right place" after "forward".

**In paragraph 25**, add the words "and character and context analyses of areas for development." That is because paragraph 9 requires local character to be taken into account in plan making.

**In paragraph 25**, "adequate but proportionate" is not very meaningful.

The requirement for community engagement in plan making in paragraphs 27, 28 and 29 is **strongly supported**. Also cooperation and planning across LPA boundaries.

The public availability of the Statements of Common Ground should be ensured by links to them in Annual Managements Reports and that should be a requirement. They should be reviewed every three years.

The first sentence of **paragraph 31** is not required, as it duplicates the first sentence of paragraph 30.

**Paragraph 33** repeats paragraph 25 and should be deleted.

There are not the required policies for selecting the right locations for development in Chapter 3. The NPPF must require that the right development of the right type occurs in the right places. See our comments on consultation Q4. This may need specific planning guidance content.

**Consultation Q7: The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?**

**No.** All viability assessments should be publicly accessible if only to ensure that all the assumptions, including profit, are transparent.

The public will have no confidence in the process if viability is not an open process and they will resist future development which will delay decision making and housing delivery. Viability assessments are essential for ensuring that developer contributions to affordable housing and to local infrastructure are fair and sufficient.

**Consultation Q8: Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?**

**Yes** The guidance would be useful, but disclosure should be "acceptable" in most cases.

**Consultation Q9: What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?**

It would provide greater transparency and ensure that excess profits of developers were used to provide low-cost rent homes for key workers in order to protect local economies.

## **CHAPTER 4: DECISION-MAKING**

**Consultation Q10 Do you have any comments on the text of Chapter 4?**

For paragraph 39, local people must also be involved with local authorities in the pre-application stage.

**Proposal:** Add the words "and local communities, statutory consultees and stakeholders" after "applicants" (re paragraph 41).

**Para 40-43:** Pre-application engagement and front loading:

Early engagement should be between:

- applicant and the local planning authority; and
- applicant and the community; and
- the community and the local authority

Our experience is that pre-application advice is a private matter between the applicant and the local planning authority, in which officers, in addition to assessing proposals against the development plan, may also seek what officers perceive to be "benefits". Few authorities make this advice public, leaving the community to fear a stitch-up. Even where this does become public, at the point of the application being submitted, it is far too late. It is essential that the community is part of the early engagement process with both the developer and the local planning authority.

These paragraphs endorse the first two types of engagement, but omits the one between the community and the local planning authority. This is an essential part of the process.

**Paragraph 40:** it is not clear how pre-application discussions "provide better outcomes for the community" if they are not involved.

**Proposal:** London Forum proposes that in Line 4, after "and" add the words ", especially where the community are engaged," [NB: this is compatible with last sentence of para 41]

The text in para 41 encouraging developers to engage in pre-application consultation with communities and statutory and non-statutory consultees is to be welcomed.

**Proposal:**

London Forum proposes that the words "where they think this would be beneficial" are removed.

Paragraph 46 should be amended to state that local authorities should consult heritage statutory consultees where there is any likelihood of demolition or significant alteration of heritage assets.

The words "advanced stage" section b) of paragraph 50 are not defined.

There should be an explanation of "advanced stage", as that may not be the same as in paragraph 51 which requires that the Local Plan has been submitted for examination, which may be too demanding.

In **paragraph 54**, the limitations on the use of Article 4 to restrict Permitted Development are too restrictive.

After "wellbeing of the area" add "or facilities for commercial purposes or for protection of Conservation Areas".

**Paragraph 54** on Article 4 directions should be amended to explicitly state that permitted development rights may be removed for locally listed buildings, non-designated heritage assets and the permitted development demolition of historic buildings.

London Forum **objects strongly** to the proposal to not conduct a viability appraisal when an application accords with policies. The applicant's offer of affordable housing and its type and other contributions should be financially assessed and 'overage' clauses applied as a legal agreement (para 57) to limit profitability and to achieve the developer contributions necessary for affordable homes and infrastructure.

A short link section should be provided to explain the route map, especially how the subsequent chapters contribute to shaping a more sustainable pattern of urban development. It could be the most useful 100 words in the whole document. It should identify criteria for selecting not only housing sites, but also recognise that existing town centre uses, such as offices, should be maintained in town centres, unless they are no longer needed for that purpose or for other town centre uses.

**CHAPTER 5: DELIVERING A SUFFICIENT SUPPLY OF HOMES**

**Consultation Q11: What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium-sized sites?**

What are "small sites"? These are not defined anywhere. Or is this about "small housing developments"?

Para 69 (a) suggests half a hectare or less, but in a London context "small housing developments" are defined as 25 homes or less. In many parts of London, a site of half an

acre would not be regarded as small, as a site that large could accommodate more than 25 units. Nevertheless, the new Draft London Plan already specifies a larger share of new housing (as much as 40%) should come from small sites, which illustrates the significance of windfall sites.

**Consultation Q12: Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

**No** – unless the site meets the same criteria as used to select allocated sites – unsustainable sites should not qualify as “sustainable development”.

**Consultation Q13: Do you agree with the new policy on exception sites for entry-level homes?**

**Yes**

**Consultation Q14 Do you have any other comments on the text of Chapter 5?**

**Maintaining Supply and Delivery (paragraphs 74 to 78)**

London Forum is **very concerned** about how “under delivery” might affect some London boroughs where the supply of sites is constrained. In London supply can be constrained by the lack of sites, though the **borough housing targets** will reflect this, but even so demonstrating a 5-year supply can still be challenging. Since housing need is redistributed from those boroughs with limited capacity, primarily in Central/Inner London, to those with capacity, predominantly in East London and Outer London, especially in Opportunity Areas, the annual housing targets have become more realistic, but these revised targets have yet to be adopted. There is, therefore, some concern that, in the interim, meeting a 5-year supply of land under old targets may cause problems.

Housing delivery, on the other hand, is not within the control of local planning authorities. The number of homes locked up in unimplemented planning consents is massive – recent estimates of over 270,000 homes – whilst London boroughs are all “under delivering” in that their completions are consistently lower than their targets. It is not their fault.

**Para 61:** In London, the Greater London Authority (GLA) undertakes a London-wide Strategic Housing Market Assessment to establish housing need, whilst the Strategic Housing Land Availability Assessment (SHLAA) identifies the housing capacity of identified sites. The London Plan borough housing targets, unlike other areas of the country, are based on capacity/ability for a borough to take on their share of housing need, plus a share of the rest of London’s housing needs. These targets embody a redistribution of London’s housing need toward those areas which have the capacity to accommodate it.

The GLA has a long tradition of demographic forecasting of London’s housing needs, based on a detailed knowledge of London’s population and households. The “standardised approach” to assessing objectively-assessed need is less appropriate in London, where, exceptionally, the GLA has the skills and capacity to produce a London-based assessment of housing need.

Regarding **paragraph 62**, the term “affordable housing” needs further definition because

the Government does not recognise that in London 47% of all homes (31,000 annually) need to be low-cost rent at levels down to 35% of the take-home pay of London's key workers. The Government states that a home is affordable if it is between 65% and 80% of the local market rent which is impossible to afford for essential workers in London. They cannot afford Rent-to-Buy nor intermediate shared equity homes and need low-cost rent homes.

**Paragraph 62** is supported but DHCLG should revise its definition of the full range of affordable home types and admit that affordability is the cause of the housing crisis in London where up to 135% of the required target of 'market' homes are being delivered annually but only 30% of the required affordable homes. Many of the market homes are sold as property investments and are empty. Over 272,000 homes in London have planning permission but too few have building commenced. The NPPF must drive the delivery of sufficient numbers of low-cost homes in London and other cities which have high prices for homes to buy or rent.

**Proposal:** Add the word “, cost” after the word “type” in paragraph 62.

Regarding **paragraph 64**, provision for affordable housing should be sought definitely from some small sites, following the decision of Inspector Jason Whitfield who determined on 11th April 2018 that a development of seven dwellings in North London should make a contribution to affordable housing in an area of affordability obstacles due to affordable housing need and the current NPPF policies 47 and 50.

**Proposal:** Delete the first sentence of **paragraph 64** of 35 words due to the appeal decision quoted and the provision of paragraph 63 a) which is clear that affordable housing contributions can be justified.

The minimum of 10% of major housing development that must be for affordable home ownership in **paragraph 65** is too prescriptive and unhelpful. It should be changed as it would undermine local authorities seeking 50% affordable homes by their Local Plan policies. The exception “unless this would . . significantly prejudice the ability to meet the identified affordable housing need of specific groups” is welcomed.

The implication in **paragraph 68** is that local authorities should assess the viability of each site they allocate for development in advance of an application. That would be useful to prevent developers paying too much for a site and would indicate the contributions they might be expected to make for developing it. However, local authorities lack the skills and resources to create viability assessments for every allocated site. More funding will be needed for that specific purpose.

Regarding **paragraph 69**, design assessments and the use of Local Development Orders should be applied to any site, not only small ones.

London Forum **supports** the policy in **paragraph 71** that “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens”. This should, rightly, limit the potential for back garden land to be developed, as proposed by the draft replacement New London Plan 2017. NPPF paragraph 122 d) also seeks to retain residential gardens.

Regarding **paragraphs 74 to 78**, a buffer of up to 20% which would apply to many London boroughs would be unfair. The delivery of housing of the type required has not been supported by Government policy. Housing schemes with planning permission are not being delivered, which requires Government action. Permitted Development has been

unhelpful and rear and upwards extensions under PDR (which do not supply additional homes) could consume construction resources needed to build homes on small sites. Local authorities are not to blame for a lot of the problems of low home delivery.

In **paragraph 77**, local authorities are required to produce actions to improve delivery if it is below 95% of target. However, house building rates are not under the control of local authorities.

For **paragraph 78**, London Forum asks what constitutes the beginning of development? The NPPF should define commencement.

The phrase in **paragraph 80** "housing should be located where it will enhance or maintain the vitality of . . . communities" is applied only to rural areas but it should be considered for use in any of the paragraphs 8, 11, 20, 30, 62 and 73.

## **CHAPTER 6: BUILDING A STRONG, COMPETITIVE ECONOMY**

**Consultation Question 15: Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?**

There does not seem to be the same requirement to plan positively for both the provision of new business space, as well as, where appropriate, to maintain the supply of business space. Compare para 17, 3rd bullet of NPPF.

**Proposal:** London Forum's proposal is to provide a new introductory paragraph to this section that reflects the content of NPPF para 17, 3rd bullet.

London Forum is disappointed at the very short content of this proposed chapter. In the post-Brexit situation, the resilience, adaptability, choice of location, costs and overheads of businesses will be key to their future and local authorities must find the required sites for businesses.

**Proposal:** Add to paragraph 83 an additional section e) "seek to retain required office space in the right locations"

The conversion of offices to other uses by permitted development should be ended by Government or this NPPF paragraph should encourage local authorities to use Article 4 Directions to protect the supply of offices to meet objectively-assessed need for such space.

**Consultation Question 16: Do you have any other comments on the text of Chapter 6?**

Given the importance of planning for economic development, two paragraphs on the local economy is very economical. More should be said about planning for objectively-assessed need for the whole range commercial uses, bringing forward land and buildings to support them. Whilst housing is both the main priority and the largest consumer of sites, economic uses often have more specific requirements, especially town centre uses (see below), which require to be planned for positively.

London Forum is **concerned** that in the rush for quick, one-time only "wins" by turning commercial and industrial buildings to housing and identifying every possible site for

housing, this is undermining the agglomeration advantages of town centre locations. Replacing offices with housing far from regenerating town centres, is undermining the local economy by unpicking the synergies of a concentration of economic activity. This brief, cursory chapter needs a greater understanding of the need for maintaining the strength of local concentrations of economic activity, such as town centres, which are key drivers of the local economy. The policy should not be limited to developing new sites, but should be seeking to maintain, reinforce and build on the existing strengths.

Economic activities should be located or retained in locations where they will enhance or maintain the vitality of the local economy. Locating or maintaining the right business in the right place is just as important as getting the right housing in the right place because it supports a more sustainable pattern of urban development. Maintaining the stock in the right places is as important as locating new developments in the right places. This chapter needs to reinforce that message. Chapter 6 is remarkably aspatial – it fails to see the role of economic activities as drivers not only of the local economy but in shaping places.

For **paragraph 83 c)**, the Government needs to take more action to reduce air pollution to assist local authorities to attract businesses and to help maintain the health of their residents and workers.

### **Proposals:**

In **paragraph 84**, the active verb is “enable” – the existing NPPF uses “promote” – which is stronger and should be retained.

**Paragraph 84 (d):** London Forum **supports strongly** the use of “retention and development” – but note that it is just as important in urban communities (cf Para 93 d)).

## **CHAPTER 7: ENSURING THE VITALITY OF TOWN CENTRES**

### **Consultation Q17: Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?**

**No** – the requirement to identify a 15-year supply was an impossible task, but even requiring a 10-year supply is very difficult because:

- it is impossible to provide reliable forecasts that far ahead, but even 10 years is very difficult – two five-year forecasts might just be better, with sites identified for the first five years and broad locations for the second period -just as for housing;
- unlike housing, however, the primary area of search is within the town centre. Such sites are difficult to identify very far in advance, but even over a five-year period further sites could become available; and
- if sites, especially out-of-centre sites, are identified for even 10 years ahead, developers may seek to avoid the sequential test by proposing large stores on out-of-centre sites to take up most of the 10-year retail floorspace requirement.

NB: Whereas housing, which is less constrained in its choice of sites, is only required to identify deliverable sites for the first 5 years of the plan, why should main town centre uses, such as retail and offices, be required to identify a 10-year supply of town centre sites? If a 10-year supply of developable sites were to be required many of the sites would not pass the sequential test/town centre first policy and therefore would undermine the Government’s stated policy. The requirement to identify sites for town centre uses should

be no more onerous than is required for housing – see para 68 of the revised draft NPPF.

There is a big distinction to be made between forecasting the need for additional floorspace and the identification of sites. It may be possible to identify sites for the first 5 years, but the best way to deal with the period beyond 5 years is to review both the need for space and the availability of town centre sites regularly.

**Proposal:**

**Paragraph 86 d), line 2:** London Forum proposes deleting “looking at least ten years ahead” and replace those words with “to meet the identified need for the first 5 years of the plan and to indicate possible locations for growth in the next five-year period.”

**Question 18. Do you have any other comments on the text of Chapter 7?**

**Yes** – The “town centre first” policy should be not only for the location of new developments, but should also relate to retaining existing town centre uses where there is evidence of unmet objectively-assessed need, such as offices. This is important because:

- despite being accommodated on upper floors in town centres, there may be few alternative sites if existing offices are converted to housing under permitted development rights; and
- if unmet demand cannot be met in the policy compliant locations – town centres or close to public transport interchanges (see Glossary for edge-of-centre locations) – then they will need to seek sites outside these locations, which may already be pre-empted for housing.

This should be compatible with para 121 (a) where the test for change of use is that it “would not undermine key economic sectors or sites or the vitality and viability of town centres” There is a need to recognise the importance of town centre offices to the local economy generally and to the vitality and viability of the town centre in particular and, for larger centres, their contribution to the agglomeration benefits to the town centre.

**Proposal: After para 86 (e)** add two further bullets:

- require developers to demonstrate that they could not find a suitable site in a more central location;
- retain existing office uses in town centres and close to public transport interchanges

**NB: the revised NPPF now contains several requirements to demonstrate that certain criteria are met**

**Paragraph 87** the principle of “town centre first” should apply equally to retaining existing main town centre uses within town centres – the policy should not be solely about new developments, nor just about retaining markets (Para 86 c)).

**Proposal:** Add at the end: “Existing town centre uses located in town centres should be maintained within the town centre, especially if there is evidence of unmet objectively-assessed need for such uses.”

**Paragraph 88:** “Accessible sites” needs to be defined in terms of accessibility on foot.

London Forum proposes in line 2 deleting “accessible” before “sites” and after the words “which are” add “within easy walking distance or are..”

## **CHAPTER 8: PROMOTING HEALTHY AND SAFE COMMUNITIES**

**Consultation Q19: Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?**

London Forum **supports strongly** the emphasis on health and wellbeing needs in paragraph 92 c).

**Paragraph 96** is far too long and detailed – most of this should be covered by advice.

**Consultation Q20: Do you have any other comments on the text of Chapter 8?**

The 2012 NPPF paragraph 69 seeks to “promote”, whereas the verbs in (b) and (c) of the new paragraph 92 are less strong and the active verbs need strengthening.

London Forum proposes that in line 2: add “promote” after “which” to promote all three bullet points.

- delete “promote”
- delete “are” and insert “environments” after “accessible”
- delete “enable and support”

London Forum proposes that there should be a **new paragraph 92 d)**:

**Paragraph 92d)** “promote easy access to a wide range of local services, amenities and local social infrastructure by encouraging the retention and enhancement of these facilities within easy walking distance.”

### **Planning for primary health facilities:**

A reference is needed to planning positively for future provision of primary health care, especially the location/accessibility of GP surgeries. As GPs retire and sell up their premises, there is need for a more proactive approach to planning the location of future primary healthcare provision – getting the right type/size of facility in the right location – i.e. easily accessible on foot in urban areas or easily accessible by public transport. There is a real need to plan the distribution/ location of future primary health care given the move to Sustainability and Transformation Plans which devolve treatment to local surgeries. Planning to get the right facilities/social infrastructure in the right place is a real challenge for local communities rather than the current “hand-to-mouth” survival of shifting patients to a declining number of practices on a crisis management basis. This should be a key example of joint planning between the local authority and the NHS/Clinical Commissioning Group.

**Proposal:** In **paragraph 93 a)** line 3 after “services” add “, including local social infrastructure, such as primary schools and GP surgeries, within easy walking distance, ..”

Amend **paragraph 95** to read:

“It is important that local plans plan positively for a sufficient choice of school places and a better distribution of primary health care facilities, such as GP surgeries, to meet the changing needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting these requirements, and to developments that will widen choice in education and achieve more accessible health care facilities.”

## **CHAPTER 9: PROMOTING SUSTAINABLE TRANSPORT**

**Consultation Q21: Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?**

**Partially**

### **Proposal:**

Most of the content of chapter 9 belongs elsewhere in the NPPF. It is not necessary to have a chapter on transport. It introduces additional considerations for plan making and decision taking which should be in chapters 3 and 4. By putting them in the middle of the document, local authorities are not given a single comprehensive set of things for which they should plan, nor on which they should make decisions.

For example, paragraphs 103, 104 and 105 should be moved to Chapter 3 following paragraph 16, making it an integral part of plan-making.

**Paragraph 103** should state that development should be located as much as possible in locations where public transport accessibility, capacity and the suitability of its routes, destinations and interchanges are good and that should be taken into account in considering the capacity of sites allocated for development.

There should be an additional objective given in this paragraph placed above a) to e), as follows:

“investment in new and improved public transport can be planned”

**Paragraph 104** needs to be taken to a new addition to Chapter 2, which explains that the key issue is to promote more sustainable patterns of growth, with right development being guided to the right places.

**Paragraph 104** line 3, change “limiting” to “reducing” the need to travel.

**Proposal: Para 105**, line 1 after “appropriate” add “location and”

**Paragraphs 106 and 107** cover local parking standards and London Forum **does not accept** that the NPPF should try to limit the introduction of maximum parking standards by local authorities. The alternative, minimum parking standards is a major backward step which will undermine higher densities due to the additional land take, reduce affordability and undermine the viability of public transport. Maximum parking standards are a central policy for delivering more sustainable patterns of development, built around choosing locations that are or will be well-served by public transport.

London has had maximum parking standards since the late 1960s and they have been repeated in successive versions of the London Plan.

**Proposal:** Proposed para 107 should be dropped.

**Paragraphs 106 and 107** should be simplified, made less prescriptive and, if they are to be retained, put in chapter 2 after paragraph 33.

**Paragraph 106** line 1: should this be “when” rather than “if”?

**Proposal: Para 106 a):** Add at the end “to public transport and to local services;”

**Paragraph 107** considers only the management of the local road network in applying maximum parking standards. Local authorities should have the freedom to set no parking places in developments adjacent to good public transport facilities, except those for drivers who are disabled and for cycles.

**Proposal: Para 107 line 2:** Delete “only” – if the policy is to promote higher densities, especially close to public transport, parking provision should be limited because otherwise higher densities and the benefits of greater accessibility will not be achieved. The policy should also be able to envisage circumstances where developments might be “car-free”.

**Paragraphs 108** is mainly about allocating sites for development and considering the impact of them being built upon. It is not really about “Considering development proposals” which is the title of that NPPF section. The words “or specific applications for development” should be omitted from paragraph 108. Its section b) should have the words “and to local public transport” inserted after the word “site”. Then it should be moved to Chapter 3 to follow paragraph 24 to assist planners in site allocations.

**In paragraph 109**, which is about determining applications, the word “only” is in the wrong place and qualifies the verb. With the word “only” moved to follow “refused”, this policy should be moved to follow paragraph 51 in chapter 4.

**Paragraph 110 and 111** should be moved into chapter 4 also to assist with decision-making, to follow paragraph 51.

In paragraph 110 a) line 2 delete “so far as possible” – this is faint encouragement.

**Chapter 9 can then be deleted.**

**Consultation Q22: Do you agree with the policy change that recognises the importance of general aviation facilities?**

London Forum proposes that aviation facilities are a national matter and one for Infrastructure Commission’s and Government’s planning and decision making, not part of the NPPF for local authorities’ consideration which could open up unhelpful competition between airports and airlines that may not be in the best interests of the UK economy.

**Proposal:** Delete section f) of paragraph 105.

**Consultation Q23: Do you have any other comments on the text of Chapter 9?**

**No.**

**CHAPTER 10: SUPPORTING HIGH QUALITY COMMUNICATIONS**

## Consultation Q24: Do you have any comments on the text of Chapter 10?

**Para 114:** This should cover additional “telephone kiosks” which are primarily installed as a vehicle for digital advertising not for increasing network coverage.

### Proposal:

**Para 114** should be changed from 'you mustn't' to “you can under certain circumstances”, as follows:

Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development, or insist on minimum distances between new telecommunications development and existing development unless:

- a) they have evidence to demonstrate that telecommunications infrastructure could cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; or
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services; or
- c) they need to control the number or location of telephone kiosks, particularly ones which have an advertising panel on one side, or
- d) they need to control the positioning of broadband distribution cabinets to ensure safety, context, character and heritage assets both designated and non-designated are taken into account.

**Proposal:** c) they have considered the future scale of need for additional telephone kiosks on the street.

**Para 115:** This requirement to justify the proposed development should be extended to additional telephone kiosks, especially where the current coverage is more than sufficient to meet the need for access to public phones.

**Proposal:** **New: 115 d)** for telephone kiosks evidence that there is a need for additional kiosks to fill a gap in the public telephone network

Paragraph 115 e) along the lines of:

- e) for broadband cabinets that their positioning will not harm the setting of any designated or non-designated heritage asset or result in footway safety hazards or adverse visual impact on the public realm.

## CHAPTER 11: MAKING EFFECTIVE USE OF LAND

**Consultation Q25: Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?**

### Para 118 (d)

There is a huge difference between having a policy for promoting development of under-used land and buildings and the use of PDRs, which cannot differentiate between vacant, underused or occupied land or buildings and encourages developers to cherry-pick buildings that are neither vacant nor underused.

London Forum **supports** a policy that promotes more effective use of under-utilised land and buildings, not only for housing but also including offices above shops in town centres. Housing may not be the only unmet need.

We also **support** the principle of “co-location” – as in the London Plan – which involves maintaining existing uses (eg industrial uses) and also building housing in addition, often above, the retained use.

This policy should allow the removal of some of the permitted development rights, since they are a blunt tool with often perverse results which is now displaying diminishing returns and an increasing demand for Article 4 Directions.

**Consultation Q26: Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs? (Para 123 and 136(b))**

**Yes – Para 123 (a)** is limited to “city and town centres and other locations that are well served by public transport”, but should be extended to areas that will be well served once transport projects have been completed. In addition, where higher densities are proposed the site should also be within easy walking distance of a wide range of local services, amenities and local social infrastructure, such as primary education and primary healthcare.

**Proposal:** Line 4: After “are” add “or will be well served by public transport” and then add “and with easy access to local services, amenities and local social infrastructure, such a primary education and primary healthcare.”

**Para 123 (b)** proposes a range of densities that reflects accessibility and potential. London Forum **strongly supports** this – something we have had in the London Plan since 2004.

The Greater London Development Plan (1976) had a minimum density standard of 35 dwellings/hectare. The London Plan (2004, 2008, 2011 and 2016) had “appropriate density ranges” each with its own minimum and maximum densities, depending on the characteristics of the location (public transport accessibility and capacity, setting and local context) and a Key Performance Indicator (KPI 2) for 95% of developments to be within the appropriate density range for the site. The lowest minimum densities in areas of very low public transport accessibility levels is 35 dwellings/hectare. A number of Outer London boroughs have consistently granted consent for developments with densities below this minimum.

PPG3 had a national minimum density of 30 dwellings/hectare. This resulted in a significant increase in densities, especially in London between 2000 and 2006.

**Proposal:** paragraph 123 line 3: Delete and replace with: “accessibility to and capacity of public transport and easy access on foot to local services, amenities and local social infrastructure;”

**Para 123 (c)** Despite high densities in Inner London, sunlight and daylight has not unduly inhibited the efficient use of land. Nonetheless, London Forum is concerned that in areas where these standards have been compromised, further worsening should be resisted. Qualification by footnote is not an acceptable way of setting out policy – it

needs to be an integral part of the policy. Proposal: At the end of Para 123 (c) add “, except where the resulting scheme would worsen existing conditions or would not provide acceptable living standards

Delete Footnote 37

## **CHAPTER 11: SUPPORTING HIGH QUALITY COMMUNICATIONS**

### **Consultation Q27: Do you have any other comments on the text of Chapter 11?**

This chapter should be brought up to front of the Policies section of this document, after a short chapter on “Promoting the right development in the right place”

**Para 117** This – and much of this chapter – is already policy in the London Plan. London Forum supports making as much use as possible of previously-developed land in the right locations. This qualification is essential as not all previously-developed land is in locations that are sustainable. This is recognised with regard to Green Belt land by qualifying this in Para 136 (a) as “suitable” brownfield sites and in Para 137 as “well-served by public transport”. Many “previously-developed” or brownfield sites are in unsustainable locations and their development would work against creating a more sustainable pattern of urban development.

**Para 118 (c)** The term “suitable brownfield sites” needs qualifying. London Forum strongly supports the reuse of previously-developed land in the right places - in accessible locations with easy access to public transport, local services, amenities and social infrastructure.

**Para 118 (e)** London Forum is concerned that the promotion of the use of airspace for new homes would be misinterpreted as general support for extending buildings upwards regardless of whether new homes would be created. This looks like a general “presumption” rather than qualified support. We are strongly opposed to this being a general presumption, whilst recognising that in some circumstances this may be both feasible and appropriate.

Whilst recognising some of the qualifications - these do not include listed buildings or conservation areas – we consider that separate access would be a major constraint for “extending upwards” for most houses, but especially terraced houses.

**Para 118e)** Amend to read as follows:

“support opportunities to use the airspace above existing residential and commercial premises if they supply additional new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”

We will be commenting on the separate consultation on upward extensions.

**Para 119:** Need to identify sites which are or will be well served by public transport.

**Proposal:** Line 3 after “sites” add “that are or will be well served by public transport or are”

**Para 120 (a)** London Forum **supports** any decision to reallocate or deallocate land being brought forward as amendments to the local plan

**Para 120 (b)** London Forum supports this, provided that it is not limited to housing – unmet need for employment, especially offices in town centres and close to public transport interchanges, and social infrastructure (eg primary schools and GP surgeries) should be supported.

**Proposal:** Add at end “including employment and social infrastructure.” and/or add a further “bullet” to para 121, such as:

“c) secure improvements to social infrastructure (eg health care) through mixed-use developments.”

**Para 122 (c)** Need to consider accessibility to, as well as availability and capacity of social infrastructure and services. Accessibility to local social infrastructure is critical to promoting sustainable travel modes to **reduce** future car use.

**Proposal:** c) the accessibility to, and availability and capacity of local social infrastructure, public transport and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that reduce future car use.

## **CHAPTER 12: ACHIEVING WELL-DESIGNED PLACES**

**Consultation Q28: Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?**

**Q29 Do you have any other comments on the text of Chapter 12?**

The document has no references to placemaking, tall buildings, townscape or the urban skyline.

## **CHAPTER 13: PROTECTING THE GREEN BELT**

**Consultation Q30: Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?**

**Para 136 a)** The reference to “suitable brownfield sites” is vague and potentially misleading, although Para 137 talks about giving “first consideration to land which has been previously-developed and/or is well-served by public transport”. This is equally misleading, as it should give priority to sites that are both previously-developed **and** well-served by public transport. Being a “brownfield” site is a necessary but not sufficient condition to justify its development, as these sites are often in unsustainable locations.

**Proposal:** **Para 137, line 8: Delete “/or”**

**Consultation Q31: Do you have any other comments on the text of Chapter 13?**

Does this chapter really warrant three and half pages? This chapter should be reduced to half its length.

**CHAPTER 14: MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE**

**Consultation Q32: Do you have any comments on the text of Chapter 14?**

London Forum has no specific issues to raise

**After Para 148:** The wording in para 95 of the existing NPPF has wrongly been omitted from the proposed replacement wording and should be reinstated. Without this, there is no requirement, as there should be, for new development explicitly to aim to reduce greenhouse gas emissions, to increase energy efficiency, and to be consistent with the Government's low carbon buildings policy.

**Proposal:** Reinstate after the proposed new para 148 and new paragraph which should be the same as para 95 in the existing NPPF.

**Consultation Q33: Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?**

**CHAPTER 15: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT**

**Consultation Q34: Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

**Consultation Q35: Do you have any other comments on the text of Chapter 15?**

**Before para 168:** The proposed new NPPF has lost the valuable aims expressed in para 109 of the existing NPPF, that development should aim to enhance geological conservation and soils, recognise the wider benefits of ecosystem services, and provide net gains in biodiversity where possible

**Proposal:** Reinstate para 109 from the existing NPPF so as to retain these objectives.

**Para 178:** The requirement in the existing NPPF, that planning policies and decisions should 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development' has been omitted from the proposed new guidance. This is a serious weakening of policy on reducing noise.

**Proposal:** Reinstate in this para this requirement, currently in the first bullet of para 123 of the existing guidance.

**Para 179:** Partly as a consequence of deletion of the need to comply with EU air quality limit values, the current proposed wording has become unnecessarily weak, by substituting a requirement to comply with ‘relevant’ limit values or national objectives. This both leaves too much scope for argument about what limit values are ‘relevant’ and unreasonably allows the alternative of complying either with limit values or with national objectives but does not require compliance with both, as it should.

**Proposal:** Delete ‘relevant’ before limit values, and replace ‘or’ with ‘and’ before ‘national objectives’.

## **CHAPTER 16: CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT**

**Consultation Q36: Do you have any comments on the text of Chapter 16?**

London Forum has no specific issues to raise.

## **CHAPTER 17: FACILITATING THE SUSTAINABLE USE OF MINERALS**

**Consultation Q37: Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?**

**No**

**Consultation Q38: Do you think that planning policy on minerals would be better contained in a separate document?**

**YES** – this material is very specialised and adds nothing to storyline of this document.

**Consultation Q39: Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?**

**No**

## **TRANSITIONAL ARRANGEMENTS AND CONSEQUENTIAL CHANGES**

**Consultation Q40: Do you agree with the proposed transitional arrangements?**

The National Planning Policy Framework needs to be read in conjunction with the Planning Policy for Traveller Sites and the Planning Policy for Waste. The Government is considering whether any consequential changes should be made to these documents as a result of the proposed changes to the Framework set out in this document.

**Consultation Q41: Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?**

**Consultation Q42: Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?**

## GLOSSARY

**Consultation Q43: Do you have any comments?**

**Main town centre uses:** Delete “drive-through restaurants” – these are **not** a town centre use.