

(Response to draft NPPF - paragraph text changes)

NOTE: Throughout the NPPF all the adverbs should be placed after the verb and not before.

All uses of the word 'only' should be moved from being associated with the verb in their sentence to relating to the object. There should be no such loopholes for lawyers to exploit.

Plan making

- Para. 21 This is unacceptably negative in its wording about DPDs and SPDs in local plans. It should encourage the preparation of policy and guidance which will help developers to propose applications that can be approved without delay.
- Para. 22 This requires local plans to set out guidance on what will be permitted which is not their purpose. It conflicts with the wording in para. 21. The definitions of PPS12 should be restored for plans to set out a vision, purpose, clear spatial choices and delivery strategy. Plans should be positive (see para. 24 first bullet point) and proactive. It should be made clear that local plans do not have to repeat content of plans 'above' them, such as the London Plan and the NPPF. Plans should include consideration of the sourcing and transport of materials for development and the disposal or re-use of demolition waste.
Local plans should set out the strategic policies for each area within its boundary in collaboration with the communities and businesses affected.
- Para. 23 Culture should be added into bullet point four as a local facility. Flood control, green infrastructure and biodiversity should be added to bullet point five. The sixth bullet point refers to the "re-use of existing resources" but that should include the re-use of land, not only buildings.
- Para. 24 The requirements for what a Local Plan should achieve duplicate wording for similar requirements and objectives in other paragraphs. The texts should be combined. Local plans should cover a minimum 15 year period. There should be phasing of development with the availability of transport facilities and social infrastructure. The word "genuinely" should be removed from "identify land which it is genuinely important to protect from development". Environmental and public realm enhancement should be covered.
- Para. 25 Local plans are required to contain "collective vision and a set of agreed priorities for the development of the area, including adopted neighbourhood plans." That is unreasonable and the LPA might just as well take the lead in compiling policies for neighbourhoods as Area Action Plans within its local plan, in collaboration with communities and businesses.
- Para. 26 It is not necessary to include repetition of "In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with this Framework, including its presumption in favour of sustainable development." That is covered in paragraph 14 to which we have objected, as above, and in similar words elsewhere. LPAs should have regard to the NPPF, as Baroness Hanman has said, but there will be policies in a local plan, even if they are not fully up to date, and decisions must be taken in accordance with the development plan. All references to 'consistency/conformity' should be "general conformity".
- Para. 27 This requires local plans to "take full account of relevant market and economic signals such as land prices". It is unreasonable to expect each LPA to do that and may cause them to make planning decisions that are too short term. If such signals are to be applied, they should be consistent across England, independently researched, assessed and interpreted. In London, that would be done by the GLA and published by the Mayor.

- Para. 28 There should be mention that in London there is a regional housing market assessment and land availability and suitability assessment compiled for and with all local authorities by the Mayor who sets housing targets for each borough.
- Para. 30 This should include the requirements for skill development of local people and the required infrastructure, facilities and services for businesses and employees.
- Para. 32 It should be stated that there are policies in the London Plan for aggregates. Information should not just be the "best" but that which is scientifically reliable.
- Para. 39 The text implies that obligations are "burdens" which can prevent development and that there must be "acceptable returns to a willing land owner and willing developer". That is not a suitable explanation of the process of obtaining a return on the increased land value achieved by the community granting planning approval. The contributions towards improvement in infrastructure and facilities and the mitigation of adverse effects of approved development result in better quality of life and increased land values from which future benefit should be obtained.
- Para. 43 Cross reference should be made to para. 23 for the range of physical, social, transport and green infrastructure needed. There should be joint infrastructure planning with organisations delivering parts of the facilities and clear Community Infrastructure Levy schedules to address shortfall in provision.
- Para. 46 This and/or para 47 should require a strategic environmental assessment in a local plan of cross border collaborations, policies and agreements.
- A paragraph is needed to propose the basis on which monitoring and reporting will be conducted of progress and issues in delivering the proposed local developments, economic growth, housing and facilities.
- Para. 48 The local plan also needs to be internally consistent, sound and prepared to meet responsibilities in the duty to cooperate. It should be able to be monitored and reported upon for its delivery to support alterations.
The words "consistent with national policy" should be replaced with "in general conformity with national planning policy and the National Waste Management Plan for England".
In London the local plans need to be in general conformity to the London Plan.

Neighbourhood Plans

- Para. 50 Local plans should set out the strategic policies for each area within its boundary, as in our proposal for para. 22 above. That may make Neighbourhood Plans unnecessary unless specific neighbourhood policies are required to influence decision making by character analysis, propose additional development or achieve consistent application of local plans across neighbourhood areas. For the latter, there should be content in local plans on the basis of duty to cooperate. Neighbourhood Plans should take account of local infrastructure deficiencies and the timescale for action to deal with them. They
- Para. 51 The text would appear to allow an approved business-led Neighbourhood Plan to take precedence over policies in the local plan. That must not be allowed if it would jeopardize achievement of the local plan's overall aims and delivery.
- Para. 52 A Neighbourhood Plan should be compatible with all applicable legal requirements and should demonstrate that it is.

Development management

- Para. 53 It is insulting to imply in the text of this paragraph that development control officers attempt to “hinder or prevent development”. They seek applications which meet the requirements of local plan policies and if they negotiate changes to make proposals more conformant, that is a required and important objective, as proposed in para. 54.
- Para. 54 Approving planning applications “wherever it is practical to do so” is an unacceptable term in national policy. It is similar to the other expressions of what is “possible”, which must be removed or made definitive, that are in paragraphs 15, 16, and 19. Such words are likely to increase appeals and case law clarification of limits.
Instead of requiring LPAs to “enable the delivery of sustainable development proposals” the text should require LPAs to ‘ensure that planning approval is given only to proposals which are developments meeting the standards for sustainability and which meet the requirements of the local plan for economic development, housing, the environment and all forms of infrastructure’.
- Para. 55 This paragraph repeats the content of others about ‘presumption in favour of sustainable development’ and ‘consistency’. It should be deleted.
- Para. 56/57 The policy for pre-application negotiation is supported strongly but it must involve the people and organisations affected by proposed development.
- Para. 58 The requirement for statutory planning consultees to take the same early, pro-active approach in pre-application consultancy is new but welcomed. At present, such organisations will not become engaged before a planning application is referred to them. They should have the same protection as Councillors in the discussion process, as in the Localism Bill.
- Para. 59 LPAs should be able to refuse planning permission if assessments that are required by law are not provided or are inadequate without risking challenge.
- Para. 60 There must be an entry in the Glossary to describe a “planning performance agreement”.
- Para. 61 The text duplicates and extends that in paragraph 58 and they should be merged.
- Para. 62 The wording that local plans are “the starting point for the determination of any planning application” are not in line with planning law and should be replaced with words that describe the basis on which decisions should be made, including refusals.
Applications should be determined on the basis of whether or not they accord with the development plan (in London that includes the Mayor’s SDS, the London Plan).
- Para. 63 The text that “local planning authorities should apply the presumption in favour of sustainable development” is endless and unnecessary repetition. Paragraph 62 should be all that is required for development control decision making.
- Para. 64 The purpose of Article 4 Directions in the text should include the protection of the character, public realm, historic value and architectural integrity of conservation areas.
- Para. 65 Local authorities can use neighbourhood development orders, as well as them being devised by a neighbourhood Forum.
- Para. 66 Community Right to Build Orders must be assessed for their impact on the use of land and the availability of the required local facilities, transport and infrastructure,

which may cause phasing of development. The text of paragraph 145 which permits housing proposed under a Community Right to Build Order in the Green Belt will have to be expanded to explain when and why such development should be permitted. It does not accord with the required policy for the use of previously developed land, sustainable communities, protection of open space and reducing the need to travel.

Planning conditions and obligations

- Para. 67 "unacceptable development" should not be given planning approval by the use of planning obligations, if the proposed development remains contrary, in itself, to the policies of the development plan. Financial contributions should not be allowed to offset harm in planning terms.
- Para. 70 Details on how conditions or obligations could make a proposed development not viable and how that should be demonstrated by an applicant will have to be provided in guidance or in additional text.
- Para. 71 "sustainable economic growth" will need to be defined, as in the descriptions used in PPS4 for benefits and limits.
- Para. 72 The Government's objectives are described as being to promote "thriving, inclusive and locally distinctive rural economies" and to "raise the quality of life and the environment in rural areas". That is unacceptable in its failure to seek urban regeneration and a proper focus on cities as drivers of the economy and growth. The Government's objectives must address urban deprivation.
The listed set of aims is very seriously inadequate.

Planning for prosperity

This section needs an introduction on the importance of town and city centres as the most appropriate locations for key town centre uses and a description of them and the benefits of the use of suitable sites. There should be a strong emphasis on getting the right businesses in the right places.

Support economic development

- Para. 73 Delete the negative comment that "Investment in business should not be over-burdened by the combined requirements of planning policy expectations." It is enough that LPAs should "positively and proactively encourage sustainable economic growth" and "address potential barriers to investment, including poor environment or any lack of infrastructure, services or housing."
LPAs should recognise and act upon the needs of small and emerging industries and businesses. They should protect land needed for waste management and logistics.
Trip generating developments should be located where transport meets the demand without causing congestion or overcrowding.
- Para. 74 The text is a further repetition of "local planning authorities should apply the presumption in favour of sustainable development". It serves no additional purpose here or in many of the places it occurs and it should be deleted.
- Para. 75 This paragraph promotes the conversion of buildings and floor space from employment use to higher value uses such as housing. **Its content is quite inappropriate in a policy section on 'Supporting economic development'.** It is the same harmful approach that the Government has taken on the Use Class Order for allowed conversion from B1 use. It will remove from the market low cost employment space required by small and medium enterprises. Conversions of

offices will not allow any part of their increased value as homes to be secured as contribution to affordable housing in them or elsewhere. No planning obligations could be imposed for mitigation of the effects of new usage. It would not be possible to impose planning conditions to ensure the resultant building met required standards and appearance in line with local plan policies. The NPPF policy could accelerate the loss of industrial land, which has been above London Plan policy levels in the capital.

The emphasis in the NPPF should be on creating jobs accessible to residents.

Promoting the vitality and viability of town centres

This section must include major office developments as key uses for towns and cities.

Para. 76 **PPS4 has been ignored in the compilation of this long policy paragraph.**

It fails to support town centre uses. Requirements for culture, education, entertainment, recreation, health and open space are not mentioned. Consideration of the scale, location, accessibility to transport and other services of offices, with sequential site assessment undertaken by the applicant, is omitted. Out-of-town retail and leisure developments would be supported by this policy. It must be improved.

Add a new first bullet point – recognise city and town centres as important concentrations of economic activity which benefit from the concentration of uses and the synergy and links between them as well as the existing investment in physical, transport and social infrastructure.

Add a bullet point – recognise town centres, including district and neighbourhood centres, as a focus for regeneration through appropriately sized new facilities.

Para. 77 The text waters down the ‘town centre first’ policy and does not cover impact assessments. The uses given in the text should include major offices, public administration, tourism and culture.

Para. 78 The words that LPAs “should prefer” applications for retail and leisure uses to be located in town centres are weak and not a basis of decisions. The sequential approach should be defined as policy and it should be made clear that applications which do not meet its requirements should be refused.

The omission of offices from town centre uses must be corrected and also in para. 79.

Para. 80 Add a bullet point to consider the size, role and function of a centre, because it is not suitable to locate a large-scale development in or near to a small centre, as it bears no relationship to that centre or its catchment area.

Transport

To be continued . . .

Communications infrastructure (paras 95-99)

The London Forum supports the need to provide new communications infrastructure, but is concerned that there is insufficient recognition by operators of the need for greater sensitivity in the siting and scale of the latest equipment and its potential impact on sensitive areas.

We welcome the advice on mast sharing and the careful choice of new sites, sympathetic design and camouflaging (para 96)

We are, however, extremely concerned about the new, larger broadband cabinets that are being proposed and the insensitivity of the operators to ensuring that they are sited and designed to minimise their visual impact and ensure their siting does not cause an obstruction. This is not just a question of their impact in conservation areas or on the setting of listed buildings, although this is an additional justification - they need to be sited and designed to minimise visual impact everywhere. This must be part of the Government's commitment to minimise street clutter.

We propose adding a third bullet to para 97 to read:

- o communications infrastructure is planned and designed to minimise their visual impact, especially in conservation areas, avoid causing an obstruction and minimise streetscape clutter.

We propose an additional bullet for para 98:

- o for a programme of new broadband cabinets, evidence that the applicant has explored potential locations, siting and scale of cabinets with the local authority to ensure that the impact on visual amenity of the area, potential obstruction and street clutter is minimised.

Glossary:

Additional definitions needed:

" conservation areas