

Mr Alan C Scott
Department for Communities and Local Government
Zone 1/H6 Eland House
Bressenden Place
London
SW1E 5DU

Date: 17 October 2011
Your Ref:
Our Ref: A2/1
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By email to Planningframework@communities.gsi.gov.uk

Dear Mr Scott,

Draft National Planning Policy Framework: Consultation

South Gloucestershire has carefully considered the Draft NPPF and would like to make the following comments. We hope the Secretary of State will take these fully into consideration prior to publishing the final NPPF.

General Comments

South Gloucestershire broadly welcomes the NPPF and its role in forming a major plank of the Government's planning reforms instrumental to its Localism Agenda. However, despite the reduction in planning guidance to 52 pages and the stated intentions of the Localism Bill the document's approach to planning policy remains very prescriptive leaving little scope for the local determination. We also question whether it makes the planning system either less complex or more accessible, as it frequently appears to contradict itself e.g. the detailed approach to town centres seems to be at odds both with flexibility to enable economic growth and meeting the needs of local communities; having all services within walking distance of local people and the need to be realistic; the permanence of Green Belt boundaries and the requirement to reassess and justify them.

We note that the separate guidance on Gypsy and Travellers and Eco Towns are currently proposed to be retained, together with the newly published guidance on nationally significant infrastructure projects. We also note the intention that new national waste planning policy is also to be produced. We have concerns that no timetable has been published for the revision of the numerous technical and practice guides which support the current planning policy statements and guidance notes. It is considered these matters should be urgently addressed by Ministers to maximise the opportunity to provide a concise statement of the Government's economic, environmental and social planning policies, which taken together will articulate its vision of sustainable development.

The draft NPPF maintains many areas of existing policy, albeit much more concisely expressed, however there are a number of significant changes. South Gloucestershire Council has considered these and are detailed comments are set out below.

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Director of Community Services and
Acting Director of Planning, Transportation and Strategic Environment
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Presumption in favour of sustainable development (paragraph 13-17)

The draft NPPF incorporates references throughout to the Government's commitment to economic growth and this can be seen as a clear driver for the changes introduced in the document. While we broadly welcome this clarity of purpose, we are nonetheless concerned that paragraphs 14 and 19 could be interpreted as requiring economic growth to be promoted at the expense of a more considered balancing of all 3 sustainability objectives identified at paragraph 10. Despite references to safeguarding valued environmental and heritage assets it is considered that the clear intention of the document is to reset the traditional balancing of these factors through the planning process, and to that extent this Council considers that some of the concerns identified by other bodies and organisations in the national debate are valid, particularly when coupled with the proposed removal of the commitment to ensuring brownfield land is developed in preference to greenfield sites (see below). This is of particular concern to this Council. Further consideration of the intention and effect of these sections of the NPPF should be incorporated to ensure that there is a more balanced approach to the consideration of all sustainability objectives, if as the government has recently asserted, this is the intention of the document.

With the presumption in favour of sustainable development there may well be a risk of "planning by appeal", particularly when local plans are out of date or absent. This approach risks perpetuating an adversarial relationship between local communities (and the Council which represents them) and those seeking to carry out development. This approach could also have adverse implications for the coordination of sustainable infrastructure (including transport) and undermine regeneration policies. It will therefore be important to have an up to date local plan which clearly sets out the policies which will guide how the presumption in favour of sustainable development will be applied locally. However, we are concerned that although even where an up to date local plan is in place, paragraph 19 as drafted is likely to create tension with the presumption in favour of development and the plan led system (and the localism agenda). Paragraph 19 refers to the default answer to development proposals being yes, except where this would compromise the key sustainable principles set out in the NPPF and not those in the adopted local plan.

Removal of the requirement that dwellings should be built on brownfield land before greenfield.

We welcome the Government commitment that green belt land, Areas of Outstanding Natural Beauty and other designated land will retain the protections they enjoy today. We also support the Government's actions through the Localism Bill to abolish Regional Spatial Strategies and remove the top down pressure to build on green belt land with the power to be devolved to local councils and people to determine where to locate development. It is noted that a new power to protect important local spaces is included in the NPPF and development proposals will need to be sustainable and not contravene the environmental protections contained in the NPPF.

However, we would ask Ministers to reinstate the previous requirement that brownfield land (previously developed land) should be developed before greenfield land, which has not been carried forward into the draft NPPF. It is considered that the removal of the "brownfield first policy" will enable developers to bring forward more easily and generally less expensive to develop greenfield land, without having to demonstrate that they have first considered the potential of previously developed land in existing urban areas. This would not support the efficient use of land within existing urban areas and could have adverse implications for regeneration policies. Within South Gloucestershire it is likely that significant additional pressure will be put on greenfield land at the edge of the urban area and land adjoining villages where there are facilities and services. In the period April 2006 - April 2011 brownfield land provided 2,962 dwellings in South Gloucestershire, 67% of the total dwellings completed. It is important this important policy emphasis is not weakened.

Require LPAs to provide a 5 year supply of deliverable housing sites plus at least 20% extra (paragraph 109)

South Gloucestershire recognises that housing provision is an important element in achieving a balanced housing market and addressing need and affordability and the long term needs of the country at a time when house building has slumped to the lowest level since 1924. However, we do not share your analysis that the planning system needs to be reformed because it has been a barrier to the delivery of housing. We therefore object to reforms to identify and maintain a rolling 5 year supply of deliverable housing sites with the “additional allowance of at least 20% to ensure choice and completion in the market for land. The current poor economic situation and problems with accessing mortgage finance are the underlying causes of the current low house building levels and priority should be given to delivering housing on sites already agreed (the ‘housing landbank’) and unlocking sites which have stalled. In addition the higher house building rates in the past included significant public sector house building, which is no longer the case.

It is considered that this new obligation might well give greater encouragement to developers, who consider that there is a land supply justification, to target greenfield sites on the edge of urban areas and rural settlements (with facilities and services). Moreover, a key issue that must be addressed is the situation with stalled sites. Focusing on the overcoming the barriers to delivery on sites already with planning consent would make a significant contribution to housing delivery, rather than amend planning policy to support further greenfield development. It is also considered that the 5 year land supply requirement risks becoming a somewhat meaningless concept if it simply over-rides all other planning considerations. It is therefore considered that the NPPF should be further amended to enable councils to prepare their own 5 year land supply methodology statement which would be subject to an appropriate consultation and adoption process. This would give councils flexibility and latitude to address specific housing delivery issues while complying with national policy.

Approve development proposals where plans are absent, silent, indeterminate or relevant policies are out of date (paragraph 14)

The Government’s commitment to the plan-led system is welcomed, as is the intention that councils should continue to prepare a local plan which is made up of a number of documents, which would be the case for South Gloucestershire, while having the ambition to move towards the preparation of a single document. However there is concern that paragraph 14 will be used by developers to progress speculative applications where there have been delays in progressing up-to-date plans and during the transition period after the publication of the final NPPF and the enactment of the Localism Bill and before the adoption of a local plan. It is clearly important for authorities to have up-to-date plans in order to retain control over development in their administrative area.

With fewer national policies contained in the NPPF it is likely that greater detail will need to be included in local plans and it is considered that paragraph 14 will exacerbate this with LPAs trying to cover all types of development and eventualities, perhaps resulting in longer local plan production times. It will therefore be critically important to put in place transitional arrangements for those Core Strategies which have been approved or have reached an advance stage. These arrangements should clearly detail the approach that councils should adopt where they are currently progressing plans and ensure that this is published at the same time as the NPPF to avoid any further anticipated confusion. We also note that core strategies will need to be reviewed to ensure they are consistent with the NPPF. The Government have indicated that further guidance will be issued on this matter and we would urge CLG to issue this promptly to avoid further uncertainty or exploiting of the situation by third parties.

Further we would expect an express commitment to be given that where the NPPF is silent on a policy issue, but where a local authority has taken up the challenge of seeking a locally appropriate expression of this, through their local plan process, that, such locally determined policy will be supported through any appeal process.

The duty for public bodies to cooperate on planning issues, particularly strategic issues (transport and waste disposals for example), which cross administrative boundaries is welcomed. Planning has a clear role beyond administrative boundaries and it will be important to ensure effective arrangements are in place to ensure cross boundary issues can be addressed at the West of England level, building on the very successful track-record of our sub-region.

Paragraph 21 states that “supplementary planning documents should only be necessary where their production can help bring sustainable development forward at an accelerated rate, and must not be used to add to the financial burden on development”. This requirement is considered to be too restrictive. It is likely to increase the length of time taken to prepare local plans, as matters previously delegated to subsequent SPDs would need to be incorporated where possible into the local plans. This paragraph undermines the basis on which the South Gloucestershire Core Strategy has been prepared, as the Core Strategy includes reference to a number of critical future SPDs. We also note that guidance is also provided on Neighbourhood Plans, which must be in general conformity with the strategic policies of the local plan, but they will have the power to promote more development than is set out in the local plan, notwithstanding that the presumption in favour of sustainable development still applies where a Neighbourhood Plan exists.

Development Management

These proposals are broadly supported, and in many respects reflect the direction in which the development management service at South Gloucestershire has been moving in recent years, for example our own review of Planning Application Requirements resulted in a 33% reduction in requirements. We welcome the emphasis put on increased cooperation between the council as planning authority and external agencies, and the encouragement given to developers to engage in pre-application consultation with communities. It will be important that further detail is provided to demonstrate how these expectations are to be delivered in practice. In the meantime the council’s determination of planning applications will be required to make an assessment of the weight to be attached to the emerging policies of the NNPF, on a case-by-case basis and officers will make this clear within their reports.

Further Detailed Comments

Economic development:

We are concerned about the weakening of local power to determine the level of protection to be given to employment land. Without long term protection employment land could be lost to higher value uses. Safeguarded land provides for the growth of smaller and medium enterprises and fosters inward investment. There is a need to ensure that economic development is located in sustainably accessible locations and this may be weakened by the removal of the ability to safeguard employment land. Lack of safeguarding will have implications for the proper planning and delivery of all types of infrastructure.

Housing development:

The approach based on past trends does not take account of changes to the factors affecting such trends namely local sustainability and our community led vision for the area. It is noted that “need” and “demand” for housing are erroneously used interchangeably and that there is omission of any reference to Gypsies and Travelling Showmen in this section or even a reference to the draft PPS “Planning for travellers’ sites”.

We welcome the emphasis on delivering affordable housing on site and the greater flexibility around rural housing, including the proposal to allow some market housing on rural sites to facilitate development. It is significant that although the NPPF recognises that a lack of affordable housing can be a barrier to economic growth we consider that the proposed framework still fails to address the scale of the problem of affordable housing and that the lack of detail in the draft framework will result in a lack of clarity. Having a detailed set of guidelines (as in PPS3) was helpful in setting clear and unambiguous guidance for Councils and developers to deliver affordable housing against. Moreover, we would like to see reference in the NPPF to supporting self build schemes -for example by encouraging council’s to make specific provision in DPDs. This would help support the Government’s objectives to achieve choice, meet affordable housing and support the achievement of balanced housing markets.

Transport:

Concern that the NPPF will weaken the requirements to facilitate the use of sustainable modes of transport, by for example the use of “where reasonable” in paragraph 83. Further weakening is seen at paragraph 86 which states that “development should not be prevented or refused on transport grounds unless the residual impacts of development are severe”. This is too high a test to pass.

Design:

We welcome the proposal for local design review arrangements to ensure high standards of design, although funding could be an issue. It would be helpful if reference could be included for the ability of good design to achieve health and well being and sustainable design construction as these are important components of sustainable communities. It would seem likely that local residents would favour developments that extend and reflect the existing developments, with an emphasis on “people like us” - this could act against diversity of provision. It will important to ensure the planning system provides developments that are aesthetically pleasing and of good quality. This might be served poorly by the new system if the presumption is to approve development, with the overriding criteria being economic growth. It is important LPAs have national policy support to create safe and attractive local streetscapes to encourage play, walking, cycling and social interaction. This aspect could be helped by local input to planning through neighbourhood planning. Having more control over the very local environment could be the most positive outcome from these changes

Sustainable Communities:

In terms of obesity / physical activity / safe play it is necessary to improve the NPPF so that spatial planning/ land use planning achieves a better local mix of housing, retail and leisure facilities, increasing the opportunity for local journeys. It is also essential to ensure that new development is located strategically to make use of rapid transit and reduce the need for individual car journeys. There is a risk that devolving power to local communities could increase inequalities, because the best organised and resourced communities are likely to be in the wealthier areas, and will be more articulate and self confident in dealing with developers. Furthermore, whilst the NPPF recognises the importance of leisure, sport and recreation, the omission of arts and culture, and the specific mention of libraries, theatres and galleries, could undermine inclusion in future local plans. This should be addressed.

Climate change, flooding:

We remain very concerned that the loss of valuable guidance from PPS25 will weaken our ability to address flooding and flood risk issues. Our communities must be protected from the risks of flooding and the Government should carefully consider whether the loss of much of the PPS25 is actually in the public interest. For example the definition of “most vulnerable development” in relation to susceptibility to flooding is missing.

Paragraph 150 – It is unclear how setting a local requirement for a building’s sustainability could be anything but incompatible with the Government’s zero carbon policy, which is currently assumed to be the progressive enhancement of building regulations to achieve zero carbon development by 2016 for new homes. There are also few references to energy efficiency and carbon reduction.

Natural Environment:

There is concern that wording in paragraphs 164 and 169 undermines the conservation and enhancement given to the natural environment and local environment.

Historic Environment:

NPPF does not provide a clear understanding of what constitutes the historic environment. Paragraphs 180, 181 and 183 are considered to undermine the approach to the historic environment and the need to use the appropriate expertise.

Green Belt:

We welcome the ability to allow extensions to all existing buildings, not just dwellings. We would suggest it is a missed opportunity not to make renewable energy installations “appropriate development” in the green belt. Notwithstanding this, although Ministers have given strong assurances that the NPPF attaches great importance to Green Belts in safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built up areas, the wording of paragraphs 139 and 140 in the NPPF in combination with the presumption in favour of sustainable development and the answer to development should be ‘yes’ where Plans are absent, silent, indeterminate or relevant policies are out of date, does not deliver this same level of commitment. We would strongly encourage Ministers to review this as a matter of urgency to ensure the wording of the NPPF is consistent with the advice and assurance that Ministers have given.

Countryside:

A policy valuing open countryside for its own sake and food production should be included in NPPF.

Open space/green infrastructure

Consider that bullet point 2 of paragraph 129 weakens the protection given to open spaces and recreation buildings and land, including playing fields, by allowing development on such sites where the need or/and benefits of the development clearly outweigh the loss. There is little reference to green infrastructure, which is at odds with the recent White Paper. The conditions set out in paragraph 131 have the effect of considerably restricting the use of the Local Green Space designation. The importance of the planning system supporting all opportunities for children’s play is omitted, despite the detailed requirements on a variety of other issues

Renewable Energy:

There are no decentralised targets. This is not particularly helpful when interpreting the domestic legislation which does set an overall target.

Paragraph 146 (in the Green Belt section) and paragraph 153 appear to confuse and contradict, since it implies that developers only have to demonstrate the need for and environmental benefits of renewable energy production for applications in the Green Belt. It would be more consistent if the wider benefits of production of renewable energy should automatically be taken into account whether or not the development is proposed in the Green Belt. This is a missed opportunity to resolve this anomaly.

Paragraph 152 - makes specific reference to "*deep geothermal energy*". We would seek clarification as to why deep geothermal energy has been singled out for mention. Are we sufficiently aware of the implications of producing energy from deep geothermal sources?

Paragraph 153 - the rationale for this is requirement is not clear. It could cause significant problems for developers proposing RE development outside the opportunity areas which would otherwise be acceptable in planning terms.

Major infrastructure projects (MIP):

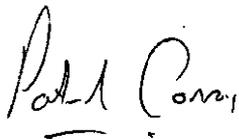
NPPF should recognise the need for policy consideration /framework for MIP in local plans, in order to assist the decision to be made by the Infrastructure Planning Commission/Major Infrastructure Planning Unit as part of their assessment of any Development Consent Order applications and impacts on the area, including any applications submitted for "associated development" to the local authority.

Technical guidance:

There are some technical areas which have and will benefit from technical guidance – for example flood risk; noise impact, independent design quality measures and renewable energy. In the absence of a national stance on approved methodologies and specific standards in technical guidance this is likely to encourage appeals/disputes and can lead to an unnecessary waste of resources for applicants submitting information and LPA's assessing/disputing it. Potentially there are considerable resource and time implications should it be necessary for LPAs to prepare and adopt their own guidance.

On behalf of South Gloucestershire I hope you will find these comments helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Conroy', with a horizontal line underneath the name.

Patrick Conroy
Strategic Planning Policy and Specialist Advice Manager

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.¹

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott

National Planning Policy Framework

Department for Communities and Local Government

Zone 1/H6, Eland House,

Bressenden Place

London

SW1E 5DU

(a) About you

(i) Your details

Name:	Patrick Conroy
Position:	Strategic Planning Policy and Specialist Advice Manager
Name of organisation (if applicable):	South Gloucestershire Council
Address:	PO Box 2081, South Gloucestershire, BS35 9BP
Email Address:	Patrick.Conroy@southglos.gov.uk
Telephone number:	01454 863574

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

Yes

No

Name of group:

South Gloucestershire Council

(iv) Please tick the *one* box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

(b) Consultation questions

Delivering Sustainable Development

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

1(a) – Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

1(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 13-18

The draft NPPF incorporates references throughout to the Government's commitment to economic growth and this can be seen as a clear driver for the changes introduced in the document. While we broadly welcome this clarity of purpose, we are nonetheless concerned that paragraphs 14 and 19 could be interpreted as requiring economic growth to be promoted at the expense of a more considered balancing of all 3 sustainability objectives identified at paragraph 10. Despite references to safeguarding valued environmental and heritage assets it is considered that the clear intention of the document is to reset the traditional balancing of these factors through the planning process, and to that extent this Council considers that some of the concerns identified by other bodies and organisations in the national debate are valid, particularly when coupled with the proposed removal of the commitment to ensuring brownfield land is developed in preference to greenfield sites. This is of particular concern to this Council. Further consideration of the intention and effect of these sections of the NPPF should be incorporated to ensure that there is a more balanced approach to the consideration of all sustainability objectives, if as the Government has recently asserted, this is the intention of the document.

With the presumption in favour of sustainable development there may well be a risk of "planning by appeal", particularly when local plans are out of date or absent. This approach risks perpetuating an adversarial relationship between local communities (and the Council which represents them) and those seeking to carry out development. This approach could

also have adverse implications for the coordination of sustainable infrastructure (including transport) and undermine regeneration policies. It will therefore be important to have an up to date local plan which clearly sets out the policies which will guide how the presumption in favour of sustainable development will be applied locally. However, we are concerned that although even where an up to date local plan is in place, paragraph 19 as drafted is likely to create tension with the presumption in favour of development and the plan led system (and the localism agenda). Paragraph 19 refers to the default answer to development proposals being yes, except where this would compromise the key sustainable principles set out in the NPPF. However we note that this omits reference to policies in the adopted local plan.

Finally, whilst the NPPF recognises the importance of leisure, sport and recreation, the omission of arts and culture, and the specific mention of libraries, theatres and galleries, could undermine inclusion in future local plans. This should be addressed

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.

2(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

2(b) Do you have comments? (please begin with relevant paragraph number)

Support robust plan led system and recognise the government's additional test of soundness.

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

effectively.

2(c) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | x |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

2(d) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 44 – 47
The duty for public bodies to cooperate on planning issues, particularly strategic issues (transport and waste disposals for example), which cross administrative boundaries is welcomed. Planning has a clear role beyond administrative boundaries and it will be important to ensure effective arrangements are in place to ensure cross boundary issues can be addressed.

It is noted that “the duty to cooperate” does not extend to “the duty to agree” and many of the strategic cross boundary issues may be difficult to resolve.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- | | |
|---------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | x |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

3(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 53-63
These proposals are broadly supported, and in many respects reflect the direction in which the development management

service at South Gloucestershire has been moving in recent years, for example our own review of Planning Application Requirements resulted in a 33% reduction in requirements.

We welcome the emphasis put on increased cooperation between the council as planning authority and external agencies, and the encouragement given to developers to engage in pre-application consultation with communities. It will be important that further detail is provided to demonstrate how these expectations are to be delivered in practice.

In the meantime the council's determination of planning applications will be required to make an assessment of the weight to be attached to the emerging policies of the NPPF, on a case-by-case basis and officers will make this clear within their reports

With fewer national policies contained in the NPPF it is likely that greater detail will need to be included in local plans and it is considered that paragraph 14 will exacerbate this with LPAs trying to cover all types of development and eventualities, perhaps resulting in longer local plan production times. It will therefore be critically important to put in place transitional arrangements for those Core Strategies which have been approved or have reached an advance stage. These arrangements should clearly detail the approach that councils should adopt where they are currently progressing plans and ensure that this is published at the same time as the NPPF to avoid any further anticipated confusion. We also note that core strategies will need to be reviewed to ensure they are consistent with the NPPF. The Government have indicated that further guidance will be issued on this matter and we would urge CLG to issue this promptly to avoid further uncertainty or exploiting of the situation by third parties.

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

4(a) Do you agree

- Strongly agree
- Agree
- Neither agree or Disagree

Disagree x
Strongly Disagree

4(b) What should any separate guidance cover and who is best placed to provide it?

We have concerns that no timetable has been published for the revision of the numerous technical and practice guides which support the current planning policy statements and guidance notes. It is considered these matters should be urgently addressed by Ministers to maximise the opportunity to provide a concise statement of the Government's economic, environmental and social planning policies, which taken together will articulate its vision of sustainable development.

Support the intention to reduce the amount and complexity of planning policy guidance, however there is a danger that some important technical guidance – for example flood risk; noise impact, independent design quality measures and renewable energy will be lost. In the absence of a national stance on approved methodologies and specific standards in technical guidance this is likely to encourage appeals/disputes and can lead to an unnecessary waste of resources for applicants submitting information and LPA's assessing/disputing it. It is important that a commitment is given that where a local authority has produced its own guidance (through due process) that this is supported through the appeal process. Potentially there are considerable resource and time implications should it be necessary for LPAs to prepare and adopt their own guidance.

Business and economic development

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

5(a) Do you agree?

Strongly agree
Agree
Neither agree or Disagree
Disagree x
Strongly Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 75

We are concerned about the weakening of local power to determine the level of protection to be given to employment land. Without long term protection employment land could be lost to higher value uses. Safeguarded land provides for the growth of smaller and medium enterprises and fosters inward investment. There is a need to ensure that economic development is located in sustainably accessible locations and this may be weakened by the removal of the ability to safeguard employment land.

Lack of safeguarding will have implications for the proper planning and delivery of all types of infrastructure. And creates lack of certainty for business and problems of “hope values” based on higher residential land values, which could restrict business opportunities.

Paragraph 29

The reference to a clear understanding of business needs within the economic markets operating in and across the area should be more clearly defined.

Paragraph 45 “The duty to cooperate” in relation to planning policy needs further explanation, including the role of the Local Enterprise Partnership.

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

Development finance is very complex and the use of market signals such as land prices/house prices, which could be affected by other matters such as the availability of mortgages/development finance, is not reliable and over simplistic.

Market signals can be contradictory. There is a danger of reacting to short term market signals at the expense of long term aims.

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.

6(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

6(b) Do you have comments? (please begin with relevant paragraph number)

Support the town centre first principle; nevertheless it is important to have flexibility in the NPPF which recognises that where there are genuine local circumstances this does not prevent other sustainable locations being fully considered.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

7(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 82-94
Concern that the NPPF will weaken the requirements to facilitate the use of sustainable modes of transport, by for example the use of “where reasonable” in paragraph 83.

Further weakening is seen at paragraph 86 which states that “development should not be prevented or refused on transport grounds unless the residual impacts of development are severe”. This is too high a test to pass.

Communications infrastructure

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

8(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

8(b) Do you have comments? (please begin with relevant paragraph number)

No comment

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

9(b) Do you have comments? (please begin with relevant paragraph number)

No comment

Housing

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

10(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

10(b) Do you have comments? (please begin with relevant paragraph number)

The ability of communities to deliver a wide choice of high quality homes, in the right location, to meet local demand will be undermined by the following aspects of the draft NPPF:

- Paragraph 111 The approach to defining housing need based on past trends does not take account of changes to the factors affecting such trends namely local sustainability and our community led vision for the area.
- Paragraph 109 (5 year supply of deliverable housing sites plus at least 20% extra)-
This new obligation may give greater encouragement to developers, who consider that there is a land supply justification, to target greenfield sites on the edge of urban areas and rural settlements (with facilities and services). It is also considered that the 5 year land supply requirement risks becoming a somewhat meaningless concept if it simply overrides all other planning considerations. It is therefore considered that the NPPF should be further amended to enable councils to prepare their own 5 year land supply methodology statement which would be subject to an appropriate consultation and adoption process. This would give councils flexibility and latitude to address specific housing delivery issues while complying with national policy.
- Removal of the requirement that dwellings should be built on brown field land before Greenfield:
The previous requirement that brownfield land (previously developed land) should be developed before greenfield land, which has not been carried forward into the draft NPPF should be reinstated. It is considered that the removal of the “brownfield first policy” will enable developers to bring forward more easily and generally less expensive to develop greenfield land, without having to demonstrate that they have first considered the potential of previously developed land in existing urban areas. This would not support the efficient use of land within existing urban areas and could have adverse

implications for regeneration policies. Within South Gloucestershire it is likely that significant additional pressure will be put on greenfield land at the edge of the urban area and land adjoining villages where there are facilities and services. In the period April 2006 - April 2011 brownfield land provided 2,962 dwellings in South Gloucestershire, 67% of the total dwellings completed. It is important this important policy emphasis is not weakened.

- Paragraph 14 (Approve development proposals where plans are absent, silent, indeterminate or relevant policies are out of date)

There is concern that paragraph 14 will be used by developers to progress speculative applications where there have been delays in progressing up-to-date plans and during the transition period after the publication of the final NPPF and the enactment of the Localism Bill and before the adoption of a local plan. "Indeterminate" should be defined; otherwise this could lead to an increase in appeals and legal challenges.

- It is noted that "need" and "demand" for housing are erroneously used interchangeably in the NPPF.

- The term "local housing need" should be defined and the context in which it is being used also needs to be defined. Without this there could be arguments about where "the strategic need" for housing is located. Particularly relevant when considering Neighbourhood Plans with reference to paragraph 50 and 51

- We welcome the emphasis on delivering affordable housing on site and the greater flexibility around rural housing, including the proposal to allow some market housing on rural sites to facilitate development. It is significant that although the NPPF recognises that a lack of affordable housing can be a barrier to economic growth we consider that the proposed framework still fails to address the scale of the problem of affordable housing and that the lack of detail in the draft framework will result in a lack of clarity. Having a detailed set of guidelines (as in PPS3) was helpful in setting clear and unambiguous guidance for Councils and developers to deliver affordable housing against.

- We would like to see reference in the NPPF to supporting self build schemes - for example by encouraging councils to make specific provision in DPDs. This would help support the Government's objectives to achieve choice, meet affordable housing and support the achievement of balanced housing markets.

- There is omission of any reference to providing for the Gypsy

and Travelling Showmen communities (or even a reference to the draft PPS “Planning for travellers’ sites”).

- The lack of reference to sustainable patterns of development and infrastructure requirements (as set out in paragraph 33 of PPS3) will undermine the ability to achieve sustainable communities and proper planning.

We welcome the emphasis on delivering affordable housing on site and the greater flexibility around rural housing, including the proposal to allow some market housing on rural sites to facilitate development. It is significant that the NPPF recognises that a lack of affordable housing can be a barrier to economic growth. However there is concern that the lack of detail in the draft framework will result in a lack of clarity - having a detailed set of guidelines (as in PPS3) was helpful in setting clear and unambiguous guidance for Councils and developers to deliver affordable housing against.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

11(b) Do you have comments? (please begin with relevant paragraph number)

No comment

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

12(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 114-123

Welcomed in general for the recognition of good design as an integral part of the planning function and its wider remit than the aesthetics of the building.

We welcome the proposal for local design review arrangements to ensure high standards of design, although funding could be an issue.

Paragraph 116 should be amended to include reference to achieving health and wellbeing and to sustainable design construction.

It would seem likely that local residents would favour developments that extend and reflect the existing developments, with an emphasis on "people like us" - this could act against diversity of provision.

It will be important to ensure the planning system provides developments that are aesthetically pleasing and of good quality. This might be served poorly by the new system if the presumption is to approve development, with the overriding criteria being economic growth.

It is important LPAs have national policy support to create safe and attractive local streetscapes to encourage play, walking, cycling and social interaction. This aspect could be helped by local input to planning through neighbourhood planning. Having more control over the very local environment could be the most positive outcome from these changes

Green Belt

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

13(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

13(b) Do you have comments? (please begin with relevant paragraph number)

<p>Paragraph 144 We welcome the ability to allow extensions to all existing buildings, not just dwellings.</p> <p>We would suggest it is a missed opportunity not to make renewable energy installations “appropriate development” in the green belt.</p> <p>Although Ministers have given strong assurances that the NPPF attaches great importance to Green Belts in safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built up areas, the wording of paragraph 139 and 140 in the NPPF in combination with the presumption in favour of sustainable development and the answer to development should be ‘yes’ where Plans are absent, silent, indeterminate or relevant policies are out of date, does not deliver this same level of commitment. We would strongly encourage Ministers to review this as a matter of urgency to ensure the wording of the NPPF is consistent with the advice and assurance that Ministers have given.</p>

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 150

It is unclear how setting a local requirement for a building's sustainability could be anything but incompatible with the Government's zero carbon policy, which is currently assumed to be the progressive enhancement of building regulations to achieve zero carbon development by 2016 for new homes.

Paragraph 151

This paragraph should be amended so that the impacts on both the natural and built environment are taken into consideration.

We also remain very concerned that the loss of valuable guidance from PPS25 will weaken our ability to address flooding and flood risk issues. Our communities must be protected from the risks of flooding and the Government should carefully consider whether the loss of much of PPS25 is actually in the public interest. For example the definition of "most vulnerable development" in relation to susceptibility to flooding is missing.

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

14(c) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

14(d) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 152-153
There are no decentralised targets. This is not particularly helpful when interpreting the domestic legislation which does set an overall target.

Paragraph 146 (in the Green Belt section) and paragraph 153 appear to confuse and contradict, since it implies that developers only have to demonstrate the need for and environmental benefits of renewable energy production for applications in the Green Belt. It would be more consistent if the wider benefits of production of renewable energy should automatically be taken into account whether or not the development is proposed in the Green Belt. This is a missed opportunity to resolve this anomaly.

Paragraph 152 - makes specific reference to "*deep geothermal energy*". We would seek clarification as to why deep geothermal energy has been singled out for mention. Are we sufficiently aware of the implications of producing energy from deep geothermal sources?

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.

14(e) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(f) Do you have comments? (please begin with relevant paragraph number)

Paragraph 153 - the rationale for this requirement is not clear. It could cause significant problems for developers proposing RE development outside the opportunity areas which would otherwise be acceptable in planning terms.

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

14(g) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

14(h) Do you have comments? (please begin with relevant paragraph number)

<p>Paragraph 157 The definition of “most vulnerable development” in relation to susceptibility to flooding is missing.</p> <p>Foot note 10 Further clarification is required regarding phrase “where possible reduce flood risk overall”. Does “overall” mean elsewhere in the catchment?</p> <p>Without knowing whether the existing PPS25 Practice Guide will be retained in some other guise it is not possible to assess whether the policy will provide sufficient protection.</p>

Natural and local Environment

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

15(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

15(b) Do you have comments? (please begin with relevant paragraph number)

<p>Paragraphs 164 and 169 There is concern that wording in paragraphs 164 and 169 undermines the conservation and enhancement given to the</p>

natural environment and local environment.

Paragraph 164 2nd bullet point should be amended to state
“avoid impacts on biodiversity and providing net gains....”

Historic Environment

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

16(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | x |

16(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 180, 181 and 183

NPPF does not provide a clear understanding of what constitutes the historic environment.

Paragraphs 180,181 and 183 are considered to undermine the approach to the historic environment and the need to use the appropriate expertise.

Paragraph 180, 3rd sentence should be amended by the deletion of “where necessary”.

Paragraph 181 should be amended to read “Local planning authorities should identify and assess the ~~particular~~ significance of any heritage asset (whether designated or not) that may be affected by a proposal (including development affecting its setting), ~~taking account of the any available evidence and using appropriate any necessary~~ expertise.”

Paragraph 183 should be amended to

“When considering the impact of a proposed development on a designated heritage asset *or its setting, development having adverse impacts will not normally be permitted. As heritage assets are irreplaceable....* “

Para 184 replace ~~necessary~~ by *essential*

Delete ~~in the medium term~~ from bullet point 2. It is unclear what this means.

Replace ~~conservation~~ by *preservation* throughout this paragraph.

Delete bullet point 4 completely or provide guidance about what this actually means.

Para 186 replace ~~reasonable~~ by *necessary*

Para 188 should be amended as follows:

Local Planning Authorities should seek opportunities *to preserve or enhance the significance of heritage assets including conservation areas and world heritage sites*. When considering.....

Para 191 should be amended as follows:

The explanatory note 17 should be amended to read:

¹⁷ *Developers should ensure any reports include appropriate analysis, recording and publication of the results of any investigations and provision for the long term storage of the excavation archive.*

Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

Concerned about the current omission of any reference to Gypsies and Travelling Showmen in the NPPF or even a reference to the draft PPS "Planning for travellers' sites".

Separate policies for Gypsies and Travelling Showman should be incorporated in to the NPPF.

In addition reference to these two groups should be included in paragraph 111 1st bullet point.