

APPENDIX A – KEY CHANGES PROPOSED TO NATIONAL PLANNING POLICY

Key changes to national policy

- A. The NPPF is a draft document currently out for consultation¹ which is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. Whilst still in draft, it must be recognised that many of the changes contained in the NPPF are likely to be adopted and that they indicate the Government's proposed 'direction of travel'. The Government's intention is for the final NPPF to be published by the end of the 2011.
- B. **Removing office development from 'town centre first' policy:** Current town centre policy applies to office development as it does to retail and leisure development. The objective of the change in the NPPF is to free office development from the need to follow the requirements of the 'Town Centre First' policy. This will enable proposals to be judged on their individual merits including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of or for office space in different locations.
- C. **Removing the brownfield target for housing development:** A specific target for brownfield land was first established by the 1995 housing white paper, which aspired to 50 percent of all new dwellings being built on brownfield land. In 1998, this was increased to 60 percent. Government wants to move away from a prescriptive designation of land towards a concept of "developable" land where local areas decide the most suitable locations for housing growth based on their local circumstances. Local councils will be able to allocate sites that they consider are the most suitable for development without being constrained by a national brownfield target.
- D. **Remove the national minimum site size threshold for requiring affordable housing to be delivered:** Current national planning policy sets a minimum site threshold of 15 units for requiring affordable housing to be delivered for all local councils. This means that any development of 15 units or more will trigger a negotiation over a contribution (paid by the developer) for affordable housing via a section 106 agreement. By removing the centrally set 15-unit threshold for affordable housing, complete control will be given to local councils. This will allow greater flexibility for local councils to seek optimum solutions for their local areas, based on local evidence of need. This complements the existing Core Strategy approach.
- E. **Removing rural exception sites policy:** Current policy allows local councils to set 'rural exception site' policies which allocate and permit sites solely for affordable housing in perpetuity for local people in small rural communities. However, currently, the rigid requirement for sites to be only for affordable housing limits local councils' options for meeting the full range of housing needs. This can lead to local councils being discouraged from taking a wider view on the need for housing in those rural areas and considering the balance to be struck between the benefits of meeting housing needs and maintaining current constraints. The Government's objective is to maintain the focus on affordable housing but give local councils greater flexibility to set out their own approach to delivering housing, including allowing for an element of market housing where this would facilitate significant additional affordable housing to meet local requirements. To ensure development is sustainable, rural housing that is distant from local services should not be allowed.

¹ <http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

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The Core Strategy already covers this by allowing market housing to deliver affordable housing, although only in relation to rural exception sites.

- F. **Removing the maximum non-residential car parking standards for major developments:** The current policy (Planning Policy Guidance Note 13: Transport) sets out national maximum parking standards for non-residential uses (i.e. the upper level of acceptable car parking provision) and size thresholds at which these maximum standards should apply. Current Government policy on non-residential parking standards for major developments, such as retail and leisure developments over 1,000m² and offices over 2,500m² is considered too centralised and prevents local councils from developing policies that are most appropriate to their local circumstances and communities. Although it is open to us to provide our own maximum parking standards for non-residential development if deemed necessary - and this can be done in the Placemaking Plan - it would be of benefit for reasons of consistency to establish agreement between neighbouring authorities on appropriate standards to apply at the sub-regional level.
- G. *There are a number of general concerns over proposed changes to transport policy, such as:*
- a. A lack of clarity over definitions eg ‘transport grounds’ is vague, ‘residual impacts’ are unclear and ‘severe’ is undefined and unhelpful. It is unclear how any of these terms would be viewed by an inspector at an appeal, potentially leading to inconsistent decision making
 - b. Planning policies that seek to ensure that development is located in areas which reduce the need to travel or where the use of sustainable transport can be maximised, can only apply where proposals are likely to ‘**generate significant movement**’. This, subject to other policies in the NPPF, would ignore the cumulative impacts of more minor development.
 - c. A weakened emphasis on sustainable modes of transport with escape clause statements such as ‘where practical’, ‘encouragement’, ‘support’ and ‘reasonable to do so’.
 - d. Local planning authorities will be required to ‘provide robust evidence’ when identifying and safeguarding sites and routes which might be critical in developing infrastructure to widen transport choice. Whilst this may seem reasonable, it will put additional resources on local planning authorities to provide such evidence, and any evidence could potentially be undermined if delivery cannot be demonstrated within a reasonable period. This belies the nature of many strategic transport interventions that rely on incremental development or staged funding to enable their implementation.
- H. **Local Green Space designation:** The Government’s preferred option would be to introduce a new protection for locally important green space that is not currently protected by any national designation, giving greater discretion and decision-making powers to local councils and local communities reflecting the fact that some land is particularly valued by communities and requires additional protection. Local Green Spaces can only be designated at the plan making stage, for example through Neighbourhood Plans or Council Local Plans.
- I. **Decentralised energy targets:** The Government expects local councils to continue to support decentralised energy but does not need to require local councils through national planning policy to set council wide decentralised energy targets. If local councils wish to set their own targets they can, and the policies in the Framework

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would not prevent such targets provided in their implementation they do not make development unviable. This complements the existing Core Strategy approach.

- J. **Proactive approach to identifying opportunities for renewable and low carbon energy:** The objective is to ensure that the planning system contributes effectively to the delivery of the Government's energy and climate change policy. The preferred option expects local authorities to consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. Where developers bring forward proposals outside opportunity areas mapped in a local or neighbourhood plan they are asked to demonstrate that the proposed location meets the criteria used in plan making. This should provide transparency, and bring greater predictability to the planning application process.
- K. **Historic environment:** This section of the NPPF streamlines and simplifies the existing policy position of PPS5 (Planning for the Historic Environment). Whilst there continues to be an emphasis on the importance of the historic environment, there is concern that a consequence of this streamlining is increased ambiguity which could result in a weakening of protection for the historic environment and could lead to buildings and sites of archaeological interest being harmed without adequate investigation and expert analysis.
- a. In addition, the emphasis on and interpretation of, the presumption in favour of sustainable development as a material consideration may undermine the protection of heritage assets. It should be noted that the NPPF highlights that development which has a 'significant effect on sites protected under the Birds and Habitats Directives would not be sustainable', and that similar approach does not apply to World Heritage Sites. This is something that the Local Authority World Heritage Forum (LAWHF) is considering in their response to Government.
 - b. The presumption in favour of conservation contained within Policy HE 9 of PPS5 appears diminished within the less certain "should be" Objective 176 of the NPPF. The reinstatement of the presumption should be requested.
 - c. Para HE1.1 to Policy HE1 of PPS 5 made a good point that the retention of heritage assets avoids the consumption of building materials, energy and waste created by the construction of replacement buildings, and a place should be found for it within the NPPF.
 - d. The overriding statutory requirements in the Town & Country Planning (Listed Buildings and Conservation Areas) Act to consider the preservation of listed buildings and conservation areas are not directly reduced by the proposals but the NPPF could establish difficult tensions particularly as regards to the setting of heritage assets. The concern lies with undesignated parts of local heritage. The NPPF seems to be inadequate in respect of undesignated heritage assets, in particular archaeological sites which previously drew protection only through PPG 16 and PPS 5. Specific reference to the need to protect irreplaceable and finite archaeological resources should be included as an Objective.