

## Briefing Paper

# Draft National Planning Policy Framework

October 2011

### Introduction

Ministers would like to reduce England's planning law from a 1,000 page rule book to just 52 in an effort to promote 'sustainable development' including the construction of new housing and the development of businesses. National Parks and Areas of Outstanding Natural Beauty would continue to be protected but there are fears that the policy could lead to uncontrolled development in other green belt and rural areas.

The Coalition government has in its new National Planning Policy Framework stated that for the planning system to work properly and fairly, it is important for there to be national policies with community interest at heart.

In the Coalition Agreement, the Government committed to turning the many existing planning documents into a clearer, simpler, more coherent framework, easier to understand and easier to put in practice.

Strict rules compelling house builders to include affordable homes in private developments will be scrapped under the government's controversial changes to the planning system. This has raised questions about the proposals that ministers claim are vital for tackling the housing crisis. They have also been criticised by conservation groups that fear they will lead to an increase in building on Greenfield sites.

The National Planning Policy Framework removes a threshold under what are known as section 106 agreements, requiring that private developments of 15 properties or more contain an element of affordable housing. It also abandons stipulations that councils set a target for the number of affordable properties they intend to be built in their area and, on larger sites, to establish the proportion of private and affordable housing needed.

Instead, the new framework says only that planning authorities should "use an evidence base to ensure that their local plan (in which a local authority sets out its housing strategy) meets the full requirements for market and affordable housing in the housing market area".

### 'A New Framework for Planning'

In July 2011, the Coalition Government launched for consultation the draft National Planning Policy Framework. The new framework is said to streamline national planning policy into a consolidated set of priorities to consider when planning for and deciding on new development. It is intended that these important principles will help communities enjoy a better quality of life, both now and in the future.

The draft Framework sets national priorities and rules only where it is necessary to do so. It will look to help ensure that planning decisions reflect genuine national objectives - such as the need to safeguard the natural environment, combat climate change, and to support sustainable local growth - while allowing for local authorities and communities to produce their own plans, reflecting the distinctive needs and priorities of different parts of the country.

The media summary of the draft Framework states that:

*“The principle of sustainable development permeates the draft of the new Framework; that the actions we take to meet our needs today must not compromise the ability of future generations to meet their own. And that planning decisions should not only protect, but, wherever possible, enhance biodiversity and improve people’s access to our natural heritage”.*

### **‘Main Points of the Draft Framework’**

#### **Protecting and Enhancing the Environment**

- **Green Belt and Natural Environment**

The Framework re-affirms the Government’s commitment to maintaining Green Belt protections to prevent urban sprawl, as pledged in the Coalition Agreement. All inappropriate development harmful to Green Belt remains prohibited. Local authorities are encouraged positively to enhance the use of Green Belt, including by opening up walking routes, and improving biodiversity and damaged landscapes for the enjoyment of all.

The Framework also retains protection for Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations that protect the character of our country’s landscape, stop unsustainable urban sprawl and preserve wildlife.

The Framework takes forward the Natural Environment White Paper’s aims to improve the quality of the natural environment across England, halt the decline in habitats and species, and strengthen the connection between people and nature.

- **Green Space Designation**

The Framework sets out a new right for local communities to protect green areas of particular importance to them. They will be able to earmark for special protection local green space land that is important to local life - whether its value is in its natural beauty, its historic resonances, its recreational value, its tranquillity or its richness in wildlife. These sites will be planned so they complement and do not undermine investment in homes, jobs and other essential services.

- **Sustainable transport**

The Government is committed to cutting down pollution and congestion through the use of public transport. The Framework makes clear that local authorities should seek to ensure good access to high quality local public transport for new developments, with priority given to cyclists and pedestrians. It encourages decision-makers to provide charging points for electric cars and other low emission vehicles. Wherever possible, key facilities essential to local life such as schools and shops should be within walking distance of most properties.

- **Biodiversity**

A healthy and diverse natural environment is crucial to our sense of wellbeing. The Framework underlines that the planning system should seek not just to protect, but, where possible, to enhance biodiversity – making sure we don't just have isolated pockets of wildlife, but rich and connected green spaces for all kinds of species to thrive. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland.

- **Noise and Light Pollution**

Noise and light pollution impacts negatively on people's quality of life. The Framework makes clear that planners must seek to avoid noise pollution as a result of new developments, and to protect tranquil areas prized for their peace and quiet. By encouraging good design, planning decisions should limit the impact of light pollution.

- **Climate Change**

The Framework confirms planning's important role in tackling climate change and making the transition to a low carbon economy. Planning can help secure radical reductions in carbon emissions through the appropriate location and layout of new development, support for energy efficiency improvements to existing buildings and backing the delivery of renewable and low carbon energy including community-led initiatives. The framework paves the way for green transport of the future – the electric car- by encouraging decision makers to provide charging points;

The government also wants planning to ensure new development is future proofed against climate change through getting its location and design right (for example making sure that new housing estates are not at risk of flooding and have good flood storage capacity to reduce flooding elsewhere).

The Framework also meets the Coalition's commitment to preventing unnecessary building in areas of high flood risk.

- **Access to the Coast**

The Framework highlights the Government's ambition not only to protect our extraordinary coastline, but also to ensure people have access to it; it states that development should not curtail a continuous signed and managed route around the coast for all to enjoy.

- **Communications Infrastructure**

The Framework promotes growth for the telecoms industry, but reiterates that this growth should be sensitive to local areas. The policy supports the industry policy of sharing masts and using existing buildings, and well designed and camouflaged equipment.

- **Minerals**

Minerals are essential to meeting society's needs. The Framework reaffirms the Government's objective of securing an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst limiting any impact on the natural and local environment.

## **Promoting Sustainable Growth and Prosperity**

- **Sustainable Growth**

The Framework makes clear that local councils should be positive and proactive in encouraging sustainable growth and addressing barriers to investment. They should set a clear economic vision and strategy for their area based on understanding of business needs across their areas.

- **Presumption in favour of Sustainable Development**

The presumption is designed to help turn the planning system round - from one focused on barriers to one that prioritises opportunities. It requires councils to work closely with businesses and communities to plan positively for the needs of each area. And it makes clear that where plans are not in place or up-to-date, development should be allowed unless this would compromise the key principles for sustainability in the Framework, including protecting the Green Belt and Areas of Outstanding Natural Beauty.

The government believes that this presumption will encourage plan-making by councils and communities, giving them a greater say in how they meet their development needs. It will also give communities, developers and investors greater certainty about the types of applications that are likely to be approved, and will help to speed up the planning process.

However, this is probably the most contentious part of the draft framework. Many see the presumption in favour of sustainable development as giving licence for any development thus preventing communities from stopping development that they would regard as inappropriate.

- **Duty to Co-operate**

It is important for councils and other public bodies to work together across administrative boundaries to plan for the housing, transport and infrastructure that local people need. For example, if a significant number of people living in one council travel to work in a neighbouring city, then it is self-evident that the two councils should be working together.

For much of the last decade, the Government sought to make councils work together by setting regional strategies, prescribing where and how they should join forces. This Government thinks that this top-down approach was ineffective, and that it is better for councils to work together in ways and in structures that are designed from the bottom up. The Localism Bill will place a new Duty to Co-operate on councils to work together to address planning issues that impact beyond local boundaries. The Framework supports the implementation of the Duty to Co-operate.

## **Planning for Strong, Vibrant and Healthy Communities**

- **Housing**

The government considers that Councils must be ambitious in delivering the much needed new homes that their communities need. Together with incentives for communities to accept growth, the Framework makes clear councils should ensure their Local Plan meets the full demand for market and affordable housing in their areas.

The Framework maintains the expectation that councils should have a rolling five year supply of deliverable sites to meet their housing needs with at least a 20% additional allowance to create competition and choice in the land market. They should also bring back into use empty homes and buildings wherever possible.

The Framework will remove the Whitehall target specifying the levels of housing development that should take place on previously developed land. It states that it will put decision making power into the hands of local people, rather than imposed by central directives. The government considers that, as has been evident in the debate over 'garden grabbing', the definition of previously developed land has become discredited. They consider that in some areas, the 'cocktail' of centrally imposed targets have had perverse outcomes - resulting in imbalances in provision such as between blocks of flats and family homes with gardens.

A spokeswoman for the Department for Communities and Local Government defended the plan to scrap the affordable housing threshold and target as follows:

*"Five million people are languishing on social housing waiting lists, the average age of a first-time buyer is 37 and house building has fallen to its lowest level for any peacetime year since 1924... The draft framework will help to deliver more affordable housing by requiring councils, in consultation with the community, to make sure local plans meet the full requirements for market and affordable housing so that it caters for the demand in their area."*

- **Town Centres**

The Government is fully committed to supporting town centres and protecting the local high street. The Framework makes clear that town centres should be recognised by councils as being at the heart of communities. Local authorities should pursue policies that support the viability and vitality of town centres. The Framework maintains the ‘town centres first’ policy approach which means that retail and leisure development should look for locations in town centres first, and only if suitable sites are not available look for edge of centre and then out of centre sites.

- **Neighbourhood Planning**

The Framework supports the implementation of neighbourhood planning - a radical new right being introduced in the Localism Bill. It will allow communities to create their vision of what their area should look like: where new shops, offices or homes should go. Local people will be able to define types of development which will be given planning permission through a Neighbourhood Development Order. If approved by a local referendum, the neighbourhood plan will need to be put into force by the local council.

However, there are fears that neighbourhood plans could turn into ‘Nimby Charters’ thus preventing development from taking place.

- **Historic Environment**

The framework reaffirms protections for the historic environment and heritage. Development causing substantial harm or loss to an important heritage asset remains prohibited, unless in wholly exceptional circumstances. Similar protections should be given to unofficial sites of archaeological interest if it can be demonstrated they are of substantial significance. Local councils are encouraged to set out how they will protect and improve heritage most at risk through neglect or decay, for the enjoyment for communities now and in the future. They should have up to date evidence about the historic environment in their areas and use it to assess the significance of heritage assets and contribution they make to the environment.

- **Design**

Good design is an essential part of sustainable development. The planning system should promote high quality design for all development - whether individual buildings or whole estates, municipal facilities or parks, and public or private spaces. Local Plans, including any neighbourhood plans, should set out the quality of development expected for an area, ensuring development that reflects the character and identity of local surrounding areas.

Developers will be expected to work closely with those directly affected by their proposals to evolve design proposals that take account of the views of the community.

## Reactions to the Draft National Planning Policy Framework

The Chartered Institute of Housing is broadly in favour of the draft National Planning Policy framework, believing that it sets out a simpler and consolidated approach to planning in England that directly seeks to tackle the huge challenges around housing supply and affordability.

They consider that the draft National Planning Policy framework gives a great opportunity for a general increase in the number of new homes in the right places; and that there is a real imperative for strong local authority leadership to ensure effective approaches to planning at the local level. The Institute considers that being firm and clear in the identification of land will enable widespread fears about development in unsuitable areas – such as the green belt – to be allayed.

The Institute considers that the draft National Planning Policy framework provides local authorities with the flexibility to be creative and affords choice in how they offer housing – from using existing properties which are empty to being able to meet the demand for smaller houses by building one bedroom homes.

The framework, in the view of the Institute, is underpinned by the need for local authorities to produce a robust and strategic single Local Plan, supported by detailing what development they expect to see in those areas. Robustly assessing local housing need and identifying the mix and type of housing needed in local areas will be vital.

The Institute considers that it is very clear that any new developments will need to ensure that they are socially, environmentally and economically sustainable, that they should reflect local character and respect the historic and natural environment and that designated green belt areas are protected. The framework stresses the importance of the Green Belt and associated protections for Areas of Outstanding Natural Beauty and environmental areas and these will be picked up in Local Plans.

Grania Long, Interim Chief Executive of the Chartered Institute of Housing, was quoted in 'Housing' as saying:

*“Over the last thirty years the failure to build the homes we need has left this country with a housing crisis which has resulted in a shortage of 142,000 homes every year.*

*“The housing crisis is not new, but the proposed draft national planning policy framework provides a golden opportunity to provide part of the solution. The government has recognised that something has to be done to simplify the planning process and we applaud this. The reforms to planning will allow more homes to be built giving the thousands of people, who do not currently have one, a decent place to live.*

*“The draft National Planning Policy framework is clear in its aims; it wants to provide freedom for every community to have the homes that they need. But to make this work, local authorities must take the lead in driving this forward; they must engage with residents and decide when to make the case for new housing that helps local people and economies.*

*"The benefit of providing people with decent housing has widespread benefits throughout our society and for the economy. House building is currently at its lowest peacetime levels since 1924. If we do not do something to reverse this trend the impact will be far further afield than just a shortage of houses.*

*"We urge the government to deliver the National Planning Policy framework, but we also want them to address our concerns around the capacity and willingness of communities to take control of neighbourhood planning and to articulate more clearly the role of local councils and councillors in leading the planning process."*

The National Housing Federation that represents England's housing associations has been broadly supportive of the framework. However, it has warned that the combined impact of the measures will represent a major setback for affordable home building. It said more than half of the 50,000 affordable homes built each year in England are built under section 106 agreements, worth more than £2billion annually. There are also concerns that a reduction in mixed housing developments will see poorer people "ghettoised" in less attractive areas.

David Orr, Chief Executive of the National Housing Federation said:

*"While we broadly support the government's planning framework and its potential to help get more homes built, there are serious dangers that it could let private developers off the hook in terms of delivering thousands of affordable homes on their developments," said David Orr, the federation's chief executive.*

*"With no targets for local authorities to meet in terms of building affordable housing in their area, the new framework could see these section 106 deals ripped up in future and many developments built without any social homes at all. This would be a disaster for the millions of people stuck on housing waiting lists."*

The federation estimates there are 700,000 people on waiting lists in rural England. But critics fear the framework plays too much into the hands of property developers who favour building expensive properties on Greenfield sites.

Councillor Tim Knowles, Labour Cabinet Member for Environment & Carbon Reduction at Cumbria County Council was quoted in the 'Cumberland News' and 'Cumberland & Westmorland Herald' as saying:

*"My concern is that this simplification is an over-simplification to the point of being on the back of a fag packet. It is rife with inconsistencies, ambiguities and assumptions, all of which only risk future legal challenges.*

*"As the County Council is a planning authority, we are the ones who could face the costs as those legal challenges arise and people start unravelling the ambiguities.*

*"Most worryingly, the framework contains this terrifying sentence: 'Decision takers at every level should assume that the default answer to a development proposal is yes.*

*"I am all in favour of sustainable development but I am not in favour of throwing caution to the wind. Currently United Kingdom property developers are sitting on land with planning permission for 300,000 homes. The reason those houses aren't being built is not the planning system, it is the economy. First time buyers cannot borrow the money so builders are not building.*

*"We will soon be at a time when Cumbria is facing some crucial decisions on how it manages its radioactive waste.*

*"The National Grid will also need to improve the United Kingdom's network of power distribution, which could mean the construction of so-called super pylons.*

*"And, of course, there is the potential impact of wind turbines.*

*"My concern is that the framework is allowing our hands to be tied behind our backs."*

John Redwood, a Conservative MP, appeared to criticise the government's plans recently when he attacked the 'myths' of housing shortage on his blog. He claimed that 'there were 738,414 empty homes in the United Kingdom in 2010 and there will be around the same number today. Yet I read we are short of houses and need to build more.'

The National Trust said of the draft Framework that:

*"Planning exists to create great places for people to live and work, both today and tomorrow. Effective planning should promote good development, which contributes to prosperity and growth. It should not be used merely as a tool to drive short-term economic gain.*

*"A robust planning system guides good, necessary development to the right places. It ensures that poorly designed developments and those in the wrong place don't get built. It protects the things that matter to us all, from open spaces, green fields and productive agricultural land to much-loved historic city centres, towns and villages. And a robust system should deliver the new homes, shops and services that communities want, where they want them.*

*"At the same time, effective planning should minimise the burdens of bureaucracy, cost and delay. It should provide certainty about the ground rules by which decisions are made. But it should ensure freedom within this framework, so that individuals, companies and Communities can exercise choice for the long-term in a balanced way."*

The National Trust laid out what it thought a National Planning Framework should entail, saying that any new planning system should:

- Be balanced, establishing a framework for integrating economic, environmental and social concerns.
- Safeguard the public's interest by recognising the value of and protecting the countryside, heritage and nature.
- Start from what people value about their place, and their aspirations for its future.
- Give people a genuine say, and not undermine localism by insisting on an automatic 'yes' as the response to development proposals.

- Work in practice, by using clear and consistent definitions so that everyone has the same understanding of the rules and we do not see planning by appeal become the norm.

More than 100,000 people have signed a National Trust petition urging the government to rethink the reforms. Ben Cowell, Director of External Affairs at the National Trust said:

*"There is a desperate need for new, affordable housing, especially for young families in areas of the country where the number of households is growing rapidly... But this fact alone cannot be used to overturn the need for a properly balanced approach to decision-making. (Ending the affordable housing threshold) could do a huge disservice to the provision of proper levels of housing".*

Matthew Slocombe of the Society for the Preservation of Ancient Buildings said:

*"More concise government planning policy may not be a bad thing in itself, but the draft has major weaknesses in failing to form a firm link between the historic environment and 'sustainable development' (its core idea). Also, despite assurances from the Minister and Practitioners themselves that the NPPF will not lessen heritage protection, the draft seems weaker (than the earlier draft prepared by practitioners) when compared to PPS5, in terms of the safeguards it offers to grade II listed buildings and the undesignated historic environment. These failings have been pointed out to government, and it is hoped that they will be addressed.*

*"Meanwhile, the National Trust and others have raised serious concerns about the way in which the NPPF might lessen protection from development for the Green Belt. Separately, in Wales, the First Minister has recently announced that his legislative programme includes provision for the introduction of a Heritage Bill in 2014/15. This potentially places Wales ahead of England in terms of new primary legislation for the historic environment."*

## **Conclusions**

Supporters of the new draft framework say that it intends to speed up the process of houses being built in this country to meet the needs of those on waiting lists for housing and that this in itself is surely a good thing to aid those in need of housing to improve the living standards for many in Britain.

However, critics argue that the new framework will allow developers to build overpriced real estate on Greenfield sites leaving many low earners unable to afford housing especially in rural areas of the Britain.

**Adam M. Waite**  
**October 2011**

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