



NATIONAL PLANNING POLICY FRAMEWORK

Annex 1 to CPRE Circular

A CPRE briefing on the consultation draft

This briefing aims to set out CPRE's main concerns with the consultation draft of the National Planning Policy Framework (NPPF) and, together with a more detailed table of references and a further briefing on meeting politicians, is designed to help local CPRE groups raise awareness of our concerns at the local level.

If members are meeting or writing to their MPs or local councillors about the NPPF please consider raising some or all of the points set out below.

The context

On 25 July the Government published a draft National Planning Policy Framework for consultation. The final version of this document will set the framework within which local development plans, or local plans as they are called in the NPPF, are developed and decisions on the grant of planning permission are made. It will have a major bearing on how land is used across England. It will replace the current suite of Planning and Minerals Policy Guidance notes and statements¹.

The Minister for Decentralisation, Greg Clark MP, has spearheaded the development of the NPPF. He has set objectives for the final document to be localist, proportionate and user friendly².

CPRE has taken a strong interest in the NPPF, submitting detailed comments in response to both the pre-consultation call for suggestions, and to the 'proposed draft' issued by a Practitioner Advisory Group that reported to the Minister in May (copies of both are available on request). We support the Minister's objectives for the NPPF. We strongly feel, however, that the consultation draft would seriously weaken the effective protection of the countryside, particularly outside areas that are covered by national designations such as Green Belts or National Parks. It would fail in terms of the objectives (particularly on localism) that the Minister has set for it, and runs contrary to a number of other Government pledges on the environment.

What is in the NPPF and what does CPRE want to see?

An outline of CPRE's areas of concern, and how we want to see them addressed, is set out below. This is based on the analysis within the table at Annex 3.

¹ Nearly all Planning Circulars issued by Government, covering issues such as (amongst many others) environmental assessment, advertisement control and appeals procedures, will remain in force pending a further review.

² See www.communities.gov.uk/news/corporate/1804403.

The presumption in favour of sustainable development. This has been the part of the NPPF most prominently trailed by the Government, including in the Budget and the Local Growth White Paper. CPRE is greatly concerned by this aspect of the NPPF. It is intended to apply to all development plans and planning applications. However, there is little in the draft policy to suggest that sustainable development, as opposed to just any development regardless of quality, is intended. All individual proposals, the policy says, should be granted wherever possible. This is unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. There is no reference made to the UK Sustainable Development Strategy or to any of the principles or indicators within it. Similarly there is no mention of development having to satisfy particular sustainable development standards before coming within the presumption, as pledged in the Conservative Green Paper *Open Source Planning* issued in 2010.

The presumption could also seriously undermine the preparation of development plans and negotiation of planning obligations at a local level, both key mechanisms in ensuring that development benefits local communities. The presumption would mean that development would be approved 'without delay' if it is in line with the development plan or in cases where a plan is 'absent, silent, indeterminate' or 'out of date' with little or no explanation as to what these terms mean. The Government's own impact assessment of the NPPF acknowledges the possible risk of more refusals and appeals against local authority decisions being made in situations where developments are not in line with local aspirations for an area. This would be the exact reverse of localism. Without substantial revision, therefore, the presumption would actively assist developers to bully local communities into accepting poor quality development.

CPRE wants to see the NPPF provide a clearer emphasis on: achieving sustainable development within the terms of the current UK Strategy; a presumption against unsustainable development; and clear and specific explanations of cases when a development plan is, and is not, a primary consideration in decision-making on planning applications.

Housing and regeneration. CPRE is greatly concerned about (i) the complete lack of any reference in the draft NPPF to using previously developed (brownfield) land for new development in preference to greenfield; and (ii) the proposed new, more onerous requirements for local authorities to identify five years' worth of developable land for new housing, with an additional allowance of 20%. CPRE is commissioning a study of this issue which we aim to publish later in the year. Both Conservative and Labour governments have actively sought, since 1995, to ensure that a majority of new housing development (which takes up more land overall than any other form of development) takes place on brownfield sites, and this forms an indicator of sustainable development in the current UK strategy. From 1995 to 2007 117 square miles of brownfield land were redeveloped for housing³. Had this development taken place on greenfield land instead, an area of countryside at least six times the size of Southampton (Southampton City Council's area is 19 square miles) would have been lost to housing.

There are again clear tensions with localism that are partially acknowledged in the Government's own impact assessment. The requirement to identify 20% more land

³ Department for Communities and Local Government, Land Use Change Statistics, live table 226.

is likely to force local authorities into conducting considerably more controversial and expensive consultation exercises on housing land supply than under present requirements, as well as the identification of locations that perform poorly in terms of services such as waste and public transport. The Government has also recognised in other recently published documents, such as the Treasury Plan for Growth, and the National Policy Statement EN-1 on overarching energy development, the benefits of using brownfield land before greenfield.

CPRE wants to see the NPPF state a clear preference for brownfield development over greenfield where brownfield land is available, the 20% allowance removed, and for housing proposals that make an efficient use of land (at residential densities of at least 30-50 dwellings per hectare) to be preferred to low density.

Protection of the countryside and high quality agricultural land. The draft NPPF includes policies on the protection of the natural environment, and has maintained the existing test for major developments in National Parks and Areas of Outstanding Natural Beauty. CPRE welcomes this and, in particular, the references to light pollution and tranquillity. The mention of tranquillity in national planning policy, if carried through to the final NPPF, would be a significant success for CPRE campaigning dating back to our 2005 flagship campaign, although the definition of tranquillity in the draft NPPF only covers noise pollution. For CPRE tranquillity policy should go much further and address sources of visual as well as noise intrusion.

There is a lack of clarity on minerals developments in nationally designated landscapes. There is no reference, moreover, to protecting the countryside for its own sake; and no follow up on the commitment in *Open Source Planning* to strengthen planning controls on best and most versatile agricultural land. Instead, protection is only afforded to much more narrowly defined areas of 'valued landscape', and policy on agricultural land is essentially unchanged. In CPRE's view this is also contrary to the Government's commitment, in the Natural Environment White Paper, to 'retain protection and improvement of the natural environment' as a core planning objective. In the White Paper, 'natural environment' includes all open countryside, forests and farm land.

CPRE wants to see new policies ensuring protection of the intrinsic character of the countryside, and preventing development on high quality agricultural land in all but exceptional cases; and an understanding that protection of tranquillity should involve minimising light pollution and other forms of visual intrusion, as well as noise. We also want a clear statement that the 'major development' test in nationally designated landscapes applies equally to minerals development (or that minerals development in these areas should be wholly exceptional).

Green Belt and local green space. CPRE welcomes the taking forward of many of the key aspects of current Green Belt policy (PPG2) into the NPPF, in particular the concept of inappropriate development, and the requirement for 'very special circumstances' to be proven to outweigh the resulting harm to the Green Belt. CPRE is concerned, however, that (i) the tests for creation of new Green Belts are unreasonably onerous and (ii) the presumption in favour of sustainable development could be used to dilute the effectiveness of Green Belt policy in individual decisions, as the PPG2 presumption against inappropriate development has been removed. Also, the draft proposes that both development subject to a Community Right to Build order and undefined forms of 'local transport infrastructure' will now be deemed 'not inappropriate'. CPRE disagrees with this

change. The Government's own Impact Assessment acknowledges that there may be a 'small scale loss of Green Belt' as a result of the changes, highlighting a clear tension with the promise in the Coalition Agreement to maintain protection of the Green Belt.

CPRE welcomes the creation of a new Local Green Space designation, which would have the effect of extending policy protection similar to Green Belt to areas of particular importance to local communities. The proposed draft of the NPPF, however, places too many restrictions on its application, stating in particular that the new designation 'will not be appropriate for most green areas or open space'.

CPRE wants to see a clear statement that there is a presumption against inappropriate development (including Community Right to Build orders) in Green Belt areas. There should also be no general presumption against the creation of new areas of either Green Belts or Local Green Space, which should be debated and agreed locally. Local authorities should have the same freedom to apply the designation as that currently enjoyed by London boroughs in the application of the essentially similar designation of Metropolitan Open Land, which can be applied to large areas of land provided it fulfils a strategic function.

Transport. Some aspects of this policy are welcome from CPRE's perspective, in particular the emphasis on sustainable transport modes and reducing the need for major transport infrastructure. But again, the welcome aspects of the policy are likely to be critically negated by the presumption in favour of sustainable development, if it is taken forward in its current wording. CPRE is greatly concerned about the statement that 'development should not be prevented or refused on transport grounds'. In our view this would make it considerably more difficult for local authorities to influence travel patterns in their areas.

CPRE wants to see the statement on not refusing on transport grounds removed from the final NPPF.

What you can do

We advise local CPRE campaigners to take the campaign actions set out in the Circular to which this briefing is attached.

CPRE
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