

GOVERNMENT PLANNING REFORM

A CPRE policy briefing in advance of publication of the final National Planning Policy Framework

March 2012

In the Coalition Agreement the Government stated it would 'publish and present to Parliament a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities.' This document would replace the majority of existing planning policy and the draft National Planning Policy Framework (NPPF) was consulted on last year. The final version is expected to be published in March and once in force will have major implications for how land is used across the country for years to come.

The Campaign to Protect Rural England (CPRE) raised a number of significant concerns about the draft NPPF because we did not believe it would help promote and secure future development that was sustainable. In our response to the draft document we set out five key asks. When the final NPPF is published we want to be reassured that these concerns have been adequately addressed.

CPRE's five key asks

The National Planning Policy Framework (NPPF) must:

- recognise the intrinsic value of unprotected countryside which covers more than half of England, and set out stronger policies to protect the Green Belt and specially designated areas;
- retain the 'brownfield first' policy to promote urban regeneration and efficient use of land by ensuring previously developed land is used to meet development needs before greenfield sites and effective integration of transport and land use planning;
- define sustainable development so that environmental limits are respected and environmental objectives are pursued alongside other objectives, rather than giving primacy to economic development;
- reinforce the plan-led system, including by ensuring effective transitional arrangements are put in place to allow time for up to date plans to be developed; and
- promote, rather than undermine, the delivery of affordable housing in appropriate locations to meet identified needs, particularly in rural areas.

Background

The NPPF, along with the Localism Act which became law in November 2011, forms the centrepiece of the Coalition's planning reforms. The draft was consulted in from July to October 2011. It generated considerable public concern and debate, with over 14,000 responses received to the consultation and many more people writing to their local MPs and directly to Government Ministers.

The level of controversy around the draft document appeared to have been much greater than Ministers were expecting. Much of the concern revolved around the proposed 'presumption in favour of sustainable development' and the lack of reference to established policies of protecting the English countryside and ensuring new development takes place on previously developed ('brownfield') land in urban areas.

CPRE argues for a planning system that promotes environmentally sustainable development. This means that the countryside as a whole is protected and enhanced, and the regeneration of

our urban areas is promoted, and that across England there is a transparent, locally accountable process of making plans and taking decisions based on those plans.

What CPRE will want to see from the final document

CPRE will be assessing the final NPPF carefully to see if it has addressed the following issues of particular public concern.

- **The NPPF should recognise the intrinsic value of the ordinary, unprotected countryside which covers more than half of England. It should also contain strong protection for Green Belt land and specially designated areas.**

The draft NPPF omitted existing national planning policies that protect the wider countryside for its intrinsic value or 'for its own sake'. CPRE believes strongly that such policies should be included in the final NPPF. This would be in line with the Government's June 2011 White Paper *The Natural Choice: securing the value of nature*, which refers to protection of the countryside as a whole, not just the 'valued landscapes' referred to in the draft NPPF. CPRE's report, *Protecting the Wider Countryside* (January 2012) found that the English countryside outside designated areas covers over half the country, and includes much of our natural heritage and historic landscapes. The final NPPF must adequately protect these areas from damaging development.

An opinion issued in October 2011 by John Hobson Q.C., one of the country's leading planning lawyers, raised concerns that Green Belt policy would be undermined by the sustainable development presumption together with the expectation that applications should be approved unless there are adverse impacts to policies in the NPPF as a whole. To prevent protection given to Green Belt land from being weakened CPRE wants to see the current presumption against inappropriate development in the Green Belt stated explicitly in the NPPF. Policies on nationally protected areas such as National Parks should also be consistent with established policy.

- **The NPPF should retain the 'brownfield first' policy so that previously developed land is used to meet development needs before greenfield sites and there is effective integration of land use and transport planning.**

The draft NPPF proposed to remove the clear priority given nationally to developing brownfield sites before greenfield. In response to concerns about this the Government argued it was their intention to improve the current 'brownfield first' approach, rather than abolish it, through introducing more subtle wording regarding using land of 'least environmental value' for development. In his evidence to the Communities and Local Government Select Committee in November 2011 the Minister, Greg Clark MP, helpfully stated they would seek to 'clarify' the policy intent.

CPRE strongly believes that the NPPF should include specific wording requiring previously developed land, where suitable, to be used for development before greenfield sites. This proposal recognises that some brownfield sites are not suitable for redevelopment, and is supported by analysis undertaken for CPRE by Green Balance and published in the report *Building in a Small Island* in November 2011. This report used the Government's own statistics to show that, far from brownfield land running out as the Government has claimed, there is in fact enough brownfield land suitable for development which could yield 1.5 million new homes.

Going beyond a simple 'brownfield first' approach the NPPF should also promote the benefits of 'smart growth' in terms of making efficient use of land, reducing the need to travel, promoting a sense of community and making local services more viable. To help achieve this the proposed new requirement for local authorities to identify a five year supply of developable land for new housing with an additional allowance of 20% should not be included in the final document. The NPPF should however require local planning authorities to set policies for the reuse of previously developed land in their areas, to justify when greenfield land is being allocated for development, and to make efficient use of land for housing at densities that will ensure viable, sustainable communities.

- **The NPPF should define sustainable development so that environmental limits are respected, rather than giving primacy to economic development**

Ministers have relied heavily on making references to 'sustainable development' in order to convince critics that the NPPF will not weaken environmental protection. Yet the draft NPPF fails to make any reference to the five principles of sustainable development, which are set out in the current UK Sustainable Development Strategy (2005). Rather the draft only refers to the older, more high-level Brundtland definition.

Sustainable development should be about the proper integration of economic growth with the achievement of social progress and respect of environmental limits. The draft NPPF instead seemed to privilege economic development over the other two elements, and was based on a deeply held assumption that planning is a brake on economic growth. Yet the evidence underpinning this assumption is limited and one-sided. A report, published by CPRE, in partnership with the RSPB and National Trust, in February 2012, *Inexpensive Progress?*, found that while there were a few studies on the economic costs of planning, these were limited and much less had been done on the benefits.

The NPPF should reiterate the principles of sustainable development set out in the 2005 Strategy, and be clear that a development proposal should be refused permission if it would undermine these principles, in particular, the need to respect the quality of the environment and to live within environmental limits.

- **The sustainable development presumption should be amended to reinforce the plan-led system and detailed transitional arrangements should be developed urgently.**

Ministers have argued that the NPPF is intended to be 'localist' and that it will reinforce the legal primacy of development plans, prepared by local authorities, in deciding planning applications. CPRE believes that the wording of the presumption in favour of sustainable development in the draft NPPF would actually undermine rather than reinforce this 'plan-led system'. It could lead to a near doubling of the current number of appeals to central Government against local refusals to the 32,000 mark last seen in the 1980s. Our concerns were strongly endorsed by the House of Commons Communities and Local Government Committee in December 2011, which called for the presumption to be redefined as a 'presumption in favour of sustainable development in line with the plan'. The NPPF should therefore state clearly that if a development is not in line with the development plan then it can normally be rejected.

During the consultation period we also raised concerns that on the day the NPPF is launched all local plans could effectively be out of date and that the 'presumption in favour' will result in a development 'free for all'. The Government responded to clarify that transitional arrangements would be set out to prevent local plans from being undermined. In setting out these detailed arrangements, the Government needs to ensure that local planning authorities have sufficient time to ensure their local plans take into consideration new national policy and are in place.

- **The NPPF should seek to promote the delivery of affordable housing in appropriate locations to meet identified needs, particularly in rural areas**

The need for development to be viable should not undermine the ability of local planning authorities to require developers, when appropriate, to deliver affordable housing as part of their plans for market housing developments. The draft NPPF stated that the cost of any requirements applied to development should ensure that 'acceptable returns' are still available for the land owner and developer. 'Acceptable returns' has not been defined and CPRE raised concerns that it would prohibit any negotiations on section 106 agreements regarding the delivery of affordable housing by developers. While the final NPPF should recognise the need for development and sites to be viable, the wording used in the document should be careful not to promote economic considerations above all others. The NPPF should also state more clearly the need for a robust housing needs assessments to underpin all local plans.

CPRE
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