

Summary of CPRE response to consultation on National Planning Policy Framework (NPPF)

A response by the Campaign to Protect Rural England (CPRE) to the Ministry for Housing, Communities and Local Government consultation on the revised draft National Planning Policy Framework. CPRE campaigns for a beautiful and thriving countryside. We work to protect, promote and enhance our towns and countryside to make them better places to live, work and enjoy, and to ensure the countryside is protected for now and future generations.

This CPRE submission has been compiled following extensive consultation with our network of 43 local charities and eight regional groups around England, all of whom have first-hand experience of how the planning system operates at a local level.

Nature of the draft NPPF and its consultation:

Several of the consultation questions explicitly require respondents to focus on proposed changes to the NPPF not subject to previous consultations. This is problematic because it is hard for readers to track what changes have been made and what has previously been consulted upon. This is the first opportunity that readers have had to see all of the recent proposed changes in the round, and how they relate to each other. Finally, there was plenty wrong with the existing NPPF that could do with correcting. It is therefore essential that MHCLG considers and responds to all comments on this consultation, and not just comments on changes that have not previously been consulted upon.

We have taken the opportunity to comment on the published draft revisions to the online NPPG, where we think this would be helpful, alongside our responses to the NPPF consultation. This opportunity would have been greatly facilitated had the draft NPPG text been published with paragraph numbers.

A number of observers have noted that commitments made in footnotes appear to carry less weight than the main NPPF text. Officials have assured us that footnotes are used in the NPPF to avoid interruptions to the flow of text and should be given equal weight. We consider that this point should explicitly be made in the NPPF in the interest of clarity.

Throughout our response, we refer to text in the draft NPPF as its paragraph number with the prefix “DNPPF”.

CPRE’s detailed responses to the consultation questions may be best understood with reference to overarching observations on the NPPF as a whole, including a general comment on the purpose of planning, and five additional priority areas as follows.

A new purpose for planning:

The new NPPF follows the old in defining the purpose of planning in terms of “the achievement of sustainable development”. But there is now a change in emphasis such that in effect any development is seen as sustainable if it doesn’t cause unnecessary harm, and harm is not unnecessary if it is the outcome of meeting needs for development, where “need” is loosely defined and little if any consideration is given to appreciation of the least harmful option.

Related to this is an apparent assumption that land is merely space waiting for development to happen on it, rather than a finite and precious resource that has inherent benefits for the nation’s economic, social and environmental well-being, and which therefore requires careful and responsible management.

Planning is pointless if the outcomes it delivers would be little different from what would happen without a planning system. Identifying levels of and locations for development with reference to theoretical demand calculated on the basis of property prices will result in the construction of the types of homes that developers want to build in the places where landowners want to sell land. The NPPF - combined with other deregulatory measures such as increased permitted development rights - disempowers communities’ discretion in demanding homes that people can afford, conservation of the things that they value, and infrastructure needed to support their communities into the future.

Recommendations:

- The purpose of planning in DNPPF 7 should be amended to read “...is to sustainably manage competing demands on the use of land and to contribute to the achievement of sustainable development.”
- Reference should be made to the United Nations Sustainable Development Goals, to which the UK government is a signatory, with particular reference to Goal 11; NPPF policies should relate directly to the indicators under that Goal.
- More should be done to link the NPPF’s overall intentions with those of the Industrial Strategy and other national strategies in order to promote a rebalancing of the economy and take advantage of opportunities for economic and housing growth in more affordable parts of the country.
- The NPPF’s commitments to climate change adaptation and mitigation urgently need to be reviewed and strengthened, in particular to support the NPPF’s positive approach to sustainable travel (not matched in other Government policies), and to take a firm stance against the harmful impacts of hydraulic fracturing (fracking) itself on the environment, and of its products on climate change.
- The policies listed in footnote 7 under the presumption in favour of sustainable development should be treated as critical resources that inherently benefit the nation, rather than merely as constraints on development.

Priority 1: support local democracy by adhering to neighbourhood and local plans

We welcome the addition of text in paragraph 12 of the draft NPPF, which clarifies the primacy of local and neighbourhood plan policies in determining planning applications, and the improved clarity on the relationship between strategic policies in local plans and more detailed policies in neighbourhood plans.

But while we welcome the direction of travel in parts of the NPPF, it still gives too much latitude to development and landowner interests over the needs and aspirations of communities. This does not mean that communities should be encouraged to reject development that meets needs and

doesn't conflict with NPPF objectives such as the positive management of footnote 7 resources. However, communities that have planned positively and responsibly to meet development needs in a balance with the need to positively manage other resources should be able to expect that their hard-won planning policies will be upheld in all but the most exceptional circumstances.

The role of planning ends with the identification of sites in plans and registers and the granting of planning permission (including permission in principle) sufficient to provide for a 5 year supply of housing land. If the construction industry fails to build homes on those consented sites, that is not a failure of the planning system or of the communities that have planned positively to meet their needs and manage their land. Communities should not be penalised for the failures of housebuilders.

Recommendations:

- The NPPF must be strengthened to give absolute clarity that development that does not conform to up-to-date local and neighbourhood plan policies will be rejected, unless the proposal in question is genuinely community led.
- Linked to this, the NPPF must be amended to reject the premise that policies for the sustainable management of land should be considered 'out-of-date' as a result either of arbitrary time periods or of the development industry's failure to build on existing consented sites.
- The proposed housing delivery test should be excised in its entirety from the NPPF. (Our detailed response includes comments on application of the test if, against all common sense, it is retained in the NPPF.)
- Policies in neighbourhood or detailed local plans should be given more protection in the face of newer, more strategic plans than an arbitrary period of grace; more strategic plans should be required to take account of existing local/neighbourhood plan aspirations unless there is no reasonable or sustainable alternative.
- 'Statements of common ground' between local authorities in a wider housing market area must be open to consultation, public examination and sustainability appraisal as they are prepared; if they are not subject to such scrutiny, they should only be considered as one option in local plan examinations, and should be set aside if their recommendations would lead to the need to compromise other objectives, such as the sustainable management of footnote 7 resources, where a more sustainable option is demonstrated to be available (including outside of the area under immediate consideration).

Priority 2: ensure realistic and high quality development based on genuine need not market demand

We welcome the government's recognition of the scale of the housing crisis and the strengthening of existing policies on achieving well-designed places.

The NPPF adds to communities' disenfranchisement by setting development targets in excess of what the construction industry is physically and economically able to deliver (even if it was in their pecuniary interests to do so) and then takes away communities' power when the housebuilders inevitably fail to deliver on what they have promised.

Communities are therefore required to permit developments that do not meet their reasonable expectations for affordability, quality, location and infrastructure provision.

The NPPF should focus on matters that are within local authorities' power to influence with their current resources and range of powers *through the planning system*: i.e. through the making of plans and the granting of planning permissions. Once sufficient sites have been identified for

development through strategic, local and neighbourhood plan allocations and planning permissions (including permission in principle), with appropriate allowances for windfalls (including on permitted development sites), local planning authorities work is done. If housebuilders still aren't bringing forward sufficient homes on those consented sites, a separate mechanism is required outside of the planning system.

Recommendations:

- The NPPF must require councils to focus on identifying housing need based on projected household growth and the needs of households that are currently inadequately housed in their area, not on arbitrary theoretical measures of housing demand based on house prices. Houses that are constructed will be expected to meet these needs.
- The NPPF should require councils to identify sufficient sites to meet that need, insofar as there are opportunities to do so without compromising other objectives of the NPPF, and only to exceed need (for growth or regeneration purposes) where there are opportunities to do so.
- If annual housing targets are to be set, these must not only reflect the opportunities for development without compromising other objectives of the NPPF, but also reflect the capacity of the construction industry to deliver them. Targets must not be set up to fail, and realistic expectations of delivery - confirmed by the housebuilding industry who will be held to account on this basis - must be a test of soundness for development plans.
- Councils should be held to account not on the overall numbers of homes built, but on whether homes meet the identified needs of local people, are affordable for those people to live in, meet appropriate standards for quality, accessibility and environmental performance, and create attractive and vibrant neighbourhoods.
- The so-called Entry Level Exceptions Site policy should be excised in its entirety from the NPPF; the policy avoids community involvement, meeting local need, and perpetuity of affordability. Communities are already expected to provide for the full range of housing types and tenures necessary to meet local need through local or neighbourhood plans on specific identified sites or through criteria-based policies. There is no place for this policy in a plan-led system.

Priority 3: deliver more affordable homes by closing legal loopholes that put developer profits first

We welcome the government's stated intention to crack down on legal loopholes which put the profits of developers above the needs of communities. However, it is vital that government policies match the strong rhetoric on developer accountability in the NPPF and accompanying consultation documents. In its current form, we anticipate that the revised NPPF may actually lead to *fewer* affordable homes being built in rural communities.

The Planning Practice Guidance (PPG) on viability requires a significant rethink if it is to achieve the government's intended outcome. We explored the damaging effects of viability assessments on affordable housing delivery in rural communities in our recent *Viable Villages* report with Shelter, and we fear that ambiguity in the current wording of the guidance will allow developers to keep gaming the system.

We are also concerned that the draft text prioritises sub-market home ownership options at the expense of social homes and affordable rented homes. This is apparent both in the revised definition of 'affordable housing' in the glossary and in the proposed introduction of an ill-thought-through policy on so-called 'Entry Level Exception Sites'.

Finally, the text does little to respond to the specific challenges faced by rural areas in delivering enough homes that local people can afford to live in. Until local authorities are empowered to take affordable housing contributions on *all* sites, including developments of fewer than 10 homes, rural communities will continue to suffer due to lack of affordable housing.

Recommendations:

- In addition to its effects on the plan-led system, the Entry Level Exception Sites policy should be scrapped because it would undermine the success of Rural Exception Sites in providing genuinely affordable homes in rural communities.
 - Councils should be encouraged to set their own thresholds for affordable housing contributions and empowered to take contributions on small sites of fewer than 10 homes.
 - The references to social housing in the existing NPPF should be reinstated in the text of the revised version. Social housing continues to play a vital role in catering to the needs of people on low incomes, for whom 80% of market value is simply not affordable.
 - The National Planning Practice Guidance (NPPG) should be amended to provide clarity and ensure assessments of viability are carried out across the plan as a whole, and not for individual sites, and prevent local authorities using a lowest common denominator approach when setting affordable housing policies.
 - The NPPG should not rely on the use of current, inflated land values to evaluate costs and look to provide a fair approach that balances landowner and developer profits with meeting affordable housing need.
-

Priority 4: adopt a true ‘brownfield first’ approach to development

We welcome the higher priority that the revised NPPF gives to the reuse of brownfield sites, the role of councils in bringing forward suitable brownfield land, and the importance of increased but appropriate density of development.

However, these warm words of encouragement do not go far enough in terms of providing the necessary imperative to ensure that suitable brownfield land and other regeneration opportunities are prioritised for development **before** the release of greenfield land. Nor does the NPPF encourage, as it should, the redistribution of demand for housing and other development away from areas where demand puts unnecessary pressure on open land resources and towards areas where there are more brownfield opportunities. The NPPF should not only respond to the Industrial Strategy and the aspirations of the Northern Powerhouse and Midlands Engine, but it should help to deliver the aims of these initiatives.

Unless the planning system offers positive restrictions of development on greenfield land, it will always be easier and more profitable to continue with squandering our increasingly precious open land resources, and suitable vacant and derelict brownfield sites will continue to blight our towns and cities and hold back their economic vitality.

Recommendations:

- The NPPF must include an effective brownfield first policy, operating through a sequential approach to site selection (similar to the town centres and retail sequential test), and the NPPF must specifically empower LPAs to reject greenfield applications when there is a suitable brownfield site available nearby.
- The NPPF should encourage LPAs to use brownfield registers proactively to identify all potential sites, including smaller sites, record their suitability for development (including for uses other than housing), inform windfall allowance calculations, and act as a pipeline to manage the activity of making suitable sites deliverable.

- The NPPF must equalise definitions of terms like ‘deliverable’ with the brownfield register regulations; in particular sites must be considered deliverable unless there is clear evidence that they are not, and not the other way around.
- In the Green Belt and elsewhere, brownfield sites that are remote or otherwise not well served by infrastructure such as public transport should not automatically be considered suitable for residential development (other uses may be more appropriate). This is also the case for sites of high environmental, heritage and amenity value.
- The definition of ‘previously developed land’ in the glossary needs to be revisited to address issues with its clarity and relevance.

Priority 5: protect our countryside for current and future generations, with robust maintenance of Green Belt policy, and strong protection for National Parks and AONBs

We welcome the new ‘exceptional circumstances’ test for altering Green Belt boundaries, which requires councils to demonstrate they have considered brownfield sites, increasing densities and other options with neighbouring councils before releasing land for development. We are also pleased to see stronger protection for Areas of Outstanding Natural Beauty (AONBs) and National Parks against large developments of market housing which is usually better located elsewhere.

However, the NPPF still appears to view the countryside as land waiting for development to happen, and its many resources that are critical for the nation’s social, economic and environmental well-being as troublesome constraints standing in the way of jobs and houses, even though there are many alternatives that can be exploited before needing to permanently destroy such resources.

Recommendations:

- Footnote 7 should be amended to include local wildlife and landscape resources, and productive farmland, in addition to the national wildlife and landscape resources, and local and national heritage resources already covered.
- Given the crucial recognition DNPPF 11.b.i that plans should not necessarily provide for objectively assessed needs in full in areas affected by footnote 7 resources, the policies and proposals in the rest of the NPPF should be amended so that support is explicitly given for reduced targets to reflect the positive management of these resources for future generations.
- The NPPF should include a clear statement that housing demand alone is not a sufficiently strong reason to justify the loss of or harm to open land resources, and that where land must be permanently sterilised through development, it is critical that it is developed in the most efficient way possible consistent with attractive and liveable place-making practice.
- The natural capital value and ecosystem services of all agricultural and other undeveloped land should be fully recognised in the NPPF and the strongest protection should be conferred on the highest quality BMV land as an essential and irreplaceable asset to sustain long-term food production
- The NPPF must clarify that planning protection for National Parks and Areas of Outstanding Natural Beauty results from these areas having ‘the highest status of protection’ as in the current policy, as not having that clarity could potentially open up debates about the relative weight of protection in these areas. There must be an improved, proactive approach to identifying and protecting other valued local landscapes.

10 May 2018