

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.¹

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott

National Planning Policy Framework

Department for Communities and Local Government

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(a) About you

(i) Your details

Name:	
Position:	
Name of organisation (if applicable):	
Address:	
Email Address:	
Telephone number:	

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

No

Name of group:

¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

(iv) Please tick the *one* box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary,etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

(b) Consultation questions

Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

1(b) Do you have comments? (please begin with relevant paragraph number)

A general lack of detail and clarity within the NPPF to assist in the decision making for owners, practitioners, and applicants due to the dilution of detail within the main document has the real potential to result in longer timeframes for preparing Local Plans, increased appeals and a planning system increasingly based upon case law.

The principles of 'sustainable development' are contradictory throughout the document. Paragraph 10 provides a description of 'sustainable development' for economic, social and environmental and whilst paragraph 11 states that these should be '*pursued in an integrated way*', it is clear through paragraph 13 '*significant weight should be placed on the need to support economic growth through the planning system*' and paragraph 19 '*assume that the default answer to development is yes*', that the Government will support development that fosters economic growth over concerns about social or environmental conditions. Therefore, the term 'sustainable development' can be simply defined as growth which will cause some concern for those local communities in Breckland who have expressed their local opposition to additional development. It is considered that there is a need for National Policy to retain an equal balance between economic growth, social condition and the environment.

The presumption in favour of development could, as per paragraph 14 '*approve all individual proposals wherever possible*' and bullet point 3 states that authorities should '*grant permission where the plan is absent, silent, or where relevant policies are out of date*'. This could be considered contrary to the achievement of neighbourhood planning (paragraph 17) as it may lead to a greater number of applications being won at appeal where Local Plan policy is absent or delayed.

The combination of the lack of clarity and detail within the NPPF and the prevalence of determination of applications favourably including the 'default answer yes' where existing Local Plans are silent as per Paragraph 14, may have the consequence that Local Planning Authorities will draft policies for every eventuality which would therefore increase the time taken to prepare and adopt Local Plans. Especially, in light of the reduced use of supplementary planning documents (Paragraph 21).

The NPPF states at Paragraph 18 that national incentives and relevant local charges will help ensure local communities will benefit directly from increase in development. More detail is required regarding who the revenue will go to and how this will be conditioned given that a criterion of the CIL (Community Infrastructure Levy) which is to be in place by 2014, is that there is no requirement for funds gathered in one area to be spent in that same geographical area. Further clarification is required on the extent to which Local Planning Authorities should have regard to "financial considerations" will be embedded in the NPPF (as per draft clause 124 of the Localism Bill).

Paragraph 19 bullet 5 suggests that land which previously may be unsuitable for housing development due to site constraints such as contamination, may become suitable given the wording '

regardless of its previous use' which is of concern..

Paragraph 19 bullet 7 appears to provide less restrictions of the conversion of existing buildings compared to that of that of current planning policy. This in turn may result in residential use being permitted to 'unsuitable' buildings due to rural locality.

There is no mention of the reuse of previously developed land as constituting a sustainable form of development. Without the reference to consider brownfield sites, developers may focus their attention to greenfield sites which would either be contrary to the spatial allocations as identified through the LDF process, or without an up to date plan and/or 5 year housing land supply may result in unsuitable sites being permitted through appeal.

Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

2(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 24

The continued support, and strong emphasis, on plan-making and the primacy of the Development Plan in decision-making is welcomed. This long-established principle will continue to provide the certainty that communities, developers and investors seek from the planning system. The drive for a more positive planning framework needs to be channelled through the local policy framework provided for by Local Plans and Neighbourhood Plans. However, the Government needs to provide clarity on what constitutes a "Local Plan". The draft NPPF presents the Local Plan as an amalgam of Core Strategy and Site Specifics (paragraph 24) but greater clarity on whether this is a correct interpretation would be welcomed. In particular for those authorities who have made significant progress on their LDF documents the extent and process to which 'sound' LDF documents can migrate to become "the up-to-date Local Plan" needs to be provided by Government.

The proposed content for Local Plans at paragraph 24 is supported and is broadly consistent with existing LDF requirements.

Paragraph 23

The notable omission throughout the draft NPPF is the word "spatial". This has been at the heart of planning for almost the past decade. The principle of understanding the implications of planning decisions beyond the use of land and coordinating the activities of various agencies to deliver locally agreed objectives remains essential and it is recommended that paragraph 23 is amended to state that Local Planning Authorities should set out a "...**clear spatial vision and** strategic objectives for the area..." Without the reference to 'spatial' Local Plans will be constrained to land-use planning documents. The Government needs to reaffirm that Local Plans should be succinct, strategic, spatial documents which do not attempt to cover every Development Management eventuality and become burdensome documents that take a long time to prepare. The NPPF should reinforce that detailed local issues are perhaps best

addressed through neighbourhood plans.

Paragraph 27

The need for a 'proportionate' evidence base for Local Plans is welcomed. There has been a risk under the existing Planning Policy Statements for an unchecked proliferation of technical documents to underpin plan-making which have proved burdensome. The draft NPPF retains a commitment to produce the following key evidence documents:

- Sustainability Appraisal (including Strategic Environmental Assessment)
- Strategic Housing Market Assessments (SHMAs)
- Strategic Housing Land Availability Assessments (SHLAAs)
- Habitat Regulations Assessment
- Strategic Flood Risk Assessment
- Employment Land Reviews (including retail and leisure development)

Breckland Council supports the nature and the scale of the key evidence base documents identified in the draft NPPF as a sound basis for Local Plan production. The only notable omission is need for Water Cycle Studies which in areas of water stress and limited waste water capacity are essential tools for determining the scale and phasing of growth.

Paragraph 31 should be amended to include cross-reference to ensure that infrastructure planning which underpins the Local Plan is also used to inform CIL.

Paragraph 48

The continued requirement for Local Plans to be independently examined is welcomed. The widening of the definition of "sound" to include documents being "positively prepared" raises no objection in principle however concern is raised at the definition of "positively prepared". In particular the reference to meeting the unmet requirements of neighbouring authorities infers that some authorities will come under increasing pressure to "bail out" those authorities who cannot soundly plan for their areas or accept their individual responsibility to plan positively.

Paragraph 52

In principle Breckland Council has no objection to the introduction of Neighbourhood Plans on the basis that they must be in general conformity with strategic policies of the Local Plan, that they can plan for more development than set out in the Local Plan and must be subject to independent examination before a local referendum. Guidance on the preparation of Neighbourhood Plans requires significant amplification to ensure that local communities and supportive Local Planning Authorities do not invest considerable time and resources in preparing plans that could ultimately prove abortive or unnecessarily controversial at a local level. Breckland Council recommends that the third second bullet point in paragraph 52 be amended to remove the word 'general' which is too open to interpretation and could result in lengthy and costly examinations. The government also needs to provide guidance to local Councils on the anticipated cost of Neighbourhood plans and specifically clarify that paragraph 48 on the soundness of Local Plans also applies to neighbourhood documents. Further guidance is also required on how to incorporate neighbourhood plans within Local Plans. The Impact Assessment covering the draft NPPF does not include sufficient demonstration on the likely costs (and savings) for Planning Authorities on the introduction of the NPPF and the potential for savings on the Local Plan to be offset by expenditure on Neighbourhood Plans.

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

Strongly agree

Agree

- Neither agree or Disagree
- Disagree**
- Strongly Disagree

2(d) Do you have comments? (please begin with relevant paragraph number)

Paragraph 47

The draft NPPF reaffirms the proposed duty to cooperate on planning issues across administrative boundaries as included in the current iteration of the Localism Bill. This duty to cooperate is welcomed given the need to plan consistently across Environmental designations which affect more than one District and where growth occurs close to administrative boundaries (i.e. Attleborough and Wymondham). The scope under the draft NPPF at paragraph 47 to work collaboratively on meeting wider development is welcomed but requires clarification. For example, it may be more deliverable and sustainable for authorities to work collaboratively on joint gypsy and traveller provision across administrative boundaries. However, adjoining authorities should not be regarded as a repository for accommodating development from those authorities who are not capable of planning positively for growth in their area and this qualification needs to be strengthened in the NPPF.

Breckland Council notes that it is only a duty to cooperate and not a requirement to cooperate. Additionally, the Council has concerns that the duty does not extend to utility companies (i.e. Anglian Water / EDF Energy) which has implications for preparing 'deliverable' plans.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree**
- Strongly Disagree

3(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 53

Breckland Council notes that the proposed text on Development Management adds very little to current practice. In Breckland, monitoring demonstrates that at least 95% of planning applications are approved. Breckland Council considers that positive planning is but one strand of a complex equation required to enhance the levels of development being delivered. More fundamental barriers to development are the access to finance for developers and those aspiring to own properties or start a business. An unintended consequence of the draft NPPF could be the challenge of administering applications through a potentially more complex planning framework and plethora of varying neighbourhood development orders at a time when applicants require certainty. The potential loss of planning fee income from neighbourhood development orders will be difficult to quantify.

Paragraph 60

In principle, Planning Performance Agreements (PPAs) are supported. Breckland Council raises concern that the resource implications for Local Planning Authorities from PPAs are not highlighted in either the document itself or the accompanying Impact Assessment.

The continued use of the plan-led system and Local Plans and Neighbourhood Plans being the starting point for determining planning applications is welcomed as the basis for efficient and effective development management. This is provided there is a clear and consistent local planning framework which the Authority will implement. The draft NPPF clearly provides authorities with greater flexibility, without detailed national policy, to determine local planning policies appropriate to the evidence base for their area. This emphasises the need for strong plan-making and the requirement of the draft NPPF to have up-to-date plans in place as soon as practicable. The principle that development which accords with the provisions of the statutory plan should be approved without delay is supported.

Paragraph 68

Breckland Council supports the continued application of the 3 tests for the use of Planning Obligations..

Paragraph 56

Greater use of pre-applications is supported although the resource implications (and implications for local planning fees) need to be recognised.

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

4(a) Do you agree

Strongly agree

Agree

Neither agree or Disagree

Disagree

Strongly Disagree

4(b) What should any separate guidance cover and who is best placed to provide it?

Business and economic development

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

Strongly agree

- Agree
- Neither agree or Disagree
- Disagree**
- Strongly Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

Para 73

The Council supports the need for Local Plans to set out a clear vision and strategy for economic development in drawing up plans.

However, it is considered that the document should require LPAs to undertake employment growth studies (as opposed to 'land reviews') to support the production of Local Plans which examine those market sectors that the LPA should be planning for. Requiring such evidence will help authorities to clearly frame economic visions and ensure sufficient land of the right type and quantity and in the right locations is made available.

The document could also usefully set out how local authorities should proactively seek to use the full extent of their powers (such as compulsory purchase) in order to bring forward key employment sites where practicable.

Para 75

The Council considers that there remains a need to give long-term protection to strategic employment sites and protect these from loss to other uses. This is particularly important where strategic employment sites have a key role in delivering the local authorities vision and the NPPF should not be worded in such a way as to support their loss through speculative applications. The appropriate mechanism for the consideration of alternative uses for strategic employment sites is through a Development Plan review based on sound evidence base rather than by ad-hoc decisions. Therefore, the Council considers that paragraph 75 should be amended to reflect the above.

Taking a short term view on key strategic sites where these are identified for a specific type of employment development could undermine longer-term sustainable economic growth in desirable employment sectors (a local example being motorsport and related advanced engineering) at the expense of a short term job growth. This is particularly notable where such sites could be lost to lower value employment uses including low value storage and food processing. Therefore, national policy should be focused on supporting long-term sustainable employment growth and recognising the particular value of certain specific sectors as part of a diverse local employment mix.

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

Decisions on alternative uses should be considered having regard to up to date evidence base in the form of employment growth studies, supported by flexible policies in an adopted 'Local Plan'. There is a temptation that short term market 'signals' are given precedence over evidence-based economic changes. It is unclear as to how much evidence is needed to suggest a signal? This lack of clarity could be open to abuse or result in an deliverable employment strategy in the Local Plan which runs counter to the objective of positive planning.

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

6(b) Do you have comments? (please begin with relevant paragraph number)

Para 76

The draft NPPF should define what the Government considers 'edge of centre' developments to be as previous policy contained in PPS4 (300m from edge of Primary Shopping Area). To not do so is likely to result in unsustainable developments coming forward in locations which undermine the role of town centres which are important in rural areas such as Breckland. This omission could erode the potential of edge of centre retail and leisure schemes to strengthen the role and function of designated centres.

Furthermore, the draft NPPF does not mention the positive role that office development can play in supporting the vitality and viability of town centres. Office development should continue to be considered as a 'town centre' use and subject to the sequential test. The Council considers that this should be included as part of the NPPF in promoting a wide mix of appropriate uses in town centres.

Para 79

The indicative national threshold for retail impact assessments is set too high, particularly in the context of a predominantly rural authority such as Breckland. The Council's latest retail evidence suggests that a figure of 1,000m² was more appropriate which more closely reflects the potential impact that even modest retail developments could have on its' smaller town centres. Therefore, the NPPF should be amended to reflect the fact that rural centres could be adversely affected and that this threshold is more appropriate in urban areas.

Para 80

The paragraph should be amended to set out that local authorities should refuse applications where proposals would result in an adverse impact on the vitality and viability of the town centre.

Para 81

The draft NPPF is currently silent on the role of tourist accommodation. It is considered that the document should set out the Governments' approach to such proposals as is currently included in PPS7. In particular, guidance on caravan sites, and the location of other tourist accommodation would be welcomed including where this could strengthen the role of Local Service Centre villages.

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

7(b) Do you have comments? (please begin with relevant paragraph number)

General comments

The section has positive statements followed by caveats which are repeated regularly. Whilst it is understood that different communities have different needs (Breckland District is mainly rural, but has 5 market towns), terms such as 'should' and caveats such as 'where practical', 'where reasonable to do so', 'however' and 'preferably' are often repeated and weaken the transport objectives at Paragraph 88 which include. minimising CO2 emissions and increasing choice in how we travel.. It is recommended that the repetitions of caveats are reviewed and minimised to provide greater clarity to decision makers and plan preparation.

The draft NPPF should be amended to mention the other benefits of walking and cycling such as health and personal finances.

Comparison to PPG13

The emphasis of PPG13 is on modal shift to more sustainable modes of transport. The language used is generally more positive and there are fewer caveats.

PPG13 mentions the following, which are absent in the proposed NPPF: integration between modes of transport, curbing the growth in road traffic, the terms walking, bus and train, reducing need for car travel, locating significant traffic generator land uses in areas easily accessible by walking, cycling and public transport and promoting walking and cycling.

Whilst the NPPF goes part of the way in addressing these issues, this is mainly by implication and interpretation rather than direct guidance. As mentioned previously, the caveats present throughout the document weaken intent. It is therefore recommended that the NPPF be reviewed to see if there is potential to give a more direct steer on issues identified.

Facilitate Economic Growth section:

Paragraph 86, third bullet point counteracts the positives of previous 2 bullets. It implies that the requirements of the first two bullet points could be rendered irrelevant in relation to delivering homes and sustainable economic growth resulting in developments being approved (including on appeal) where transport impacts are detrimental rather than severe. It is recommended that this bullet point is reviewed to ensure the importance of the previous bullet points is not eroded by the third.

Paragraph 88 starts very positively, but then seems to imply that rural areas can be considered appropriate for developments that generate significant movement. This seems to go against the heading of the section. Further, as a rural authority, we question if rural roads are the best place to put large trip generators? This implicit approach as set out in the NPPF is contrary to the approach taken in PPG13 which sets a requirement to '*actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges*' and '*in rural areas, locate most development for housing, jobs, shopping, leisure and services in local service centres which are designated in the development plan to act as focal points for housing, transport and other services, and encourage better transport provision in the countryside*'. Further, with regards to rural areas, PPG13 also says '*the need for the same overall policy*

approach outlined in paragraphs 18 to 31 is as great in rural areas as it is in towns in order to help promote social inclusion, and reduce isolation for those without use of a car.’ It is recommended that the implications of the statement about rural areas be realised and wording reviewed and improved.

Paragraph 89

‘Planning strategies should protect and exploit opportunities for the use of sustainable modes for the movement of goods or people’ is positive but is lost within the section. The benefits from this part of the draft NPPF are counteracted by the various caveats throughout the section however and are weakened by the term ‘should’ and ‘where practical’. It is recommended that it is more positively worded and afforded a more prominent position in the section.

Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

8(b) Do you have comments? (please begin with relevant paragraph number)

General Comments

It is not clear why the second paragraph starts ‘In preparing Local Plans...’ as this section of the NPPF tells LPAs what to do and what not to do. What is there left for Local Plans to incorporate?

Another benefit of such infrastructure is reducing the need to travel which could be mentioned.

Comparison to PPG8

PPG8 refers to the following issues which are not referenced in the NPPF:

- i keeping environmental impact to a minimum;
- ii protection of the countryside and urban areas - in particular the National Parks (including the Broads and the New Forest), Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, the Green Belts, the Heritage Coast and areas and buildings of architectural or historic importance; and
- iii improving provision of such technologies as broadband for rural areas.

The NPPF does have guidance on design issues and impact on landscape and the historic environment in separate sections. It is assumed that the intention is that all sections apply where relevant, but there is a lack of cross referencing and Breckland Council have concerns with regards to those sections of the NPPF. Breckland Council is concerned that the lack of mention of the points above and reliance on interpretation of and cross referencing to other sections of the NPPF could have a detrimental impact of landscape, townscape and historic environments.

It is recommended that reference to these issues is reviewed with the view to inclusion in the

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

9(b) Do you have comments? (please begin with relevant paragraph number)

Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

10(b) Do you have comments? (please begin with relevant paragraph number)

Para 109

Breckland Council disagrees strongly with wording of initial bullet which seeks to ensure Local Plans meet the 'full requirements for market and affordable housing'. The scale of need for affordable housing in Breckland is significant, but to deliver the numbers required in the Council's SHMA on an annual basis would mean having an affordable housing delivery rate which alone would be greater than the previous total housing requirement per year across all tenures. This would be undeliverable and unsustainable in a rural authority area like Breckland. Therefore, it is considered that the word 'full' should be deleted from the final sentence of the first bullet.

Breckland Council strongly disagrees with the introduction of an additional *at least* 20% housing allowance to be delivered beyond the existing 5 year housing land supply figures. This is due to the fact that the use of a standard calculation factors in

underperformance against housing trajectories from previous years which is likely to be a reflection of market conditions rather than an absence of a clear strategy for growth. Due to the ongoing housing market slump, many LPAs now find themselves in a 5 year supply deficit circle, with the less homes developers build the greater the deficit. The need to provide a further 20% allowance on top of this will mean that some authorities will be unlikely to be able to close the land supply gap through an adopted Development Plan. This fundamentally undermines the plan-led system and local democracy and takes away local control from taking decisions handing this to the developer. This is not supported.

It is also unclear as to how an additional 20% housing requirement would be appropriate where this has not been the subject of testing at a higher level through a Core Strategy with its accompanying Sustainability Appraisal and Habitats Regulations Assessment if required. It is unclear whether these levels of additional housing could be delivered in sustainable locations identified in adopted Development Plan Documents.

Breckland Council has written to the Rt Hon Eric Pickles MP earlier this year to ask that 5 year supply be removed from National Planning Policy as it undermines the principles of localism and the plan-led approach to development. The Council supports the plan-led system as these are produced by elected Local Authorities in consultation with their communities. There is an opportunity through the NPPF to remove this requirement which appears to have not been taken by the Government. It should also be noted that many Council's are still burdened with housing figures taken from outgoing Regional Spatial Strategies embedded within their Core Strategies which are no longer appropriate. Therefore, the Council asks again that this be removed from national policy.

Para 110

The Council does not support the phrase 'significantly and demonstrably outweigh the benefits' in the first sentence of para 110. The Council considers that this test is too high and that housing proposals could still have an adverse impact on a community even if this may not be 'significant' as the text describes. It is also probable that a cumulative impact could be experienced which alone would not be 'significant' but would in combination with other schemes have a much greater effect. There also appears to be no recognition of the role of infrastructure planning and the possibility of development breaching infrastructure limits within the text. To allow development where this would impact upon local infrastructure undermines the principles of sustainable development which could be affected if this paragraph is maintained as currently drafted. The subtleties described above are presently absent from the document and the Council considers this section should be amended as such.

Para 112

The Council considers that this paragraph as drafted will not promote sustainable development. Breckland Council considers that this should be amended to reflect the fact that if market housing is allowed where this facilitates affordable housing, this should be in locations which accord with the local authorities' Spatial Vision as expressed in its Local Plan. This will ensure that housing development takes place in sustainable locations, as it is important that occupiers of housing have access to an appropriate range of local services and facilities. Therefore, this paragraph should be revised accordingly.

Para 113

The Council considers that the document should define what types of occupations the Government considers fits the definition of a 'rural worker', such as agriculture, forestry etc. As presently drafted, this term is sufficiently loose to allow spurious cases to be made which could lead to unsustainable developments in the rural area. Furthermore, the NPPF should reintroduce a functional needs test included as part

of the definition as has been included in national planning policy (PPS7). The document could also usefully refer to the use of temporary permissions where this relates to new agricultural/ occupational dwellings in the countryside.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

11(b) Do you have comments? (please begin with relevant paragraph number)

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

12(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 116

The practicalities of Neighbourhood Plans including comprehensive policies on the quality of development need to be carefully considered. It is acknowledged that design is subjective and that communities could be persuaded to adopt local standards which stifle innovation or result in tensions between developing Building Regulations in areas such as carbon reduction. References within the NPPF to Government endorsed design guidance could usefully guide communities to appropriate information,

There is no mention in this section of Code for Sustainable Homes, Lifetime homes, Climate Change or benefitting biodiversity. It is recommended that the section is reviewed and the inclusion of these issues considered.

Design is mentioned in various PPSs and PPGs, but the context it is mentioned in these documents, is not presented in the NPPF. For example;

- PPG13 talks of the importance of design on safety and promoting walking and cycling.
- PPS10 seeks to ensure the design and layout of new development supports sustainable waste management.

- PPS1: High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also mentions the importance of solar gain.

It is recommended that such issues as identified above are considered for inclusion in the NPPF.

Green Belt

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

13(b) Do you have comments? (please begin with relevant paragraph number)

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 148

With reference to the first bullet point. The inclusion of the sentence containing 'consistent with the Government's published objectives' seems to weaken the policy intent. It is also not clear what objectives are being referred to. Furthermore, it could be interpreted that if proposals meet one of the published objectives, but which could be deemed as contrary to reducing greenhouse gas emissions, such a proposal could be acceptable in the absence of local policy. It is recommended that this bullet point be reviewed and the need for this reference, which could cause confusion, be considered.

There is no mention of modal shift from single occupancy car use in this section which would reduce carbon dioxide emissions. Reference to modal shift and carbon dioxide is made in the transport section, but as stated previously there are repeated caveats which weaken the policy intent. It is recommended that this section is reviewed to include the benefits of modal shift in reducing carbon dioxide emissions as per PPS1.

It is recommended that paragraph 149 includes *reducing* contributions to climate change as well as mitigate and adapt. Current wording implies that as long as there is mitigation and adaption, addressing emissions is not a primary consideration.

Paragraph 150 bullet point 1 refers to location and ways to reduce greenhouse gases. This seems to touch on design, yet there is no mention in the design section of the beneficial influence of good design on climate change. It is not clear what the term 'ways' refers to. It is recommended that this bullet point is reviewed to aid clarity on what the Government intend.

Paragraph 151 could be contrary to bullet point one in Paragraph 116 and paragraph 119 in the design section. It is recommended that any potential for contradiction in the NPPF, such as this, be reviewed and clarified.

It is noted that PPS25 refers to "sourcepathway"- receptor model to planning for development in areas of flood risk and PPS22 refers to the impact of renewable/low carbon energy proposals on International Designated Sites, National designated sites and the impact on landscape. PPS1 supplement refers to impact upon biodiversity, It is recommended that these omissions from the draft NPPF are remedied and that the final NPPF includes this guidance at the national level.

Para 152

The broad tenet of the Governments policy towards renewable and low-carbon energy is supported. However, there is potentially a missed opportunity for the Government to introduce a minimum threshold for developments to provide 10% energy from on-site renewable and/ or decentralised energy sources (East of England Plan contained figure of 10 dwellings or 1,000m²).

Para 153

The paragraph could usefully be enhanced by a section setting out some of the potential amenity concerns that could arise through renewable energy proposals, such as noise, vibration, shadow flicker which need to be taken into account in determining planning applications. There is also some potential for conflict between proposals for mapping opportunity areas for renewable energy. Para 152 indicates this is 'optional' but para 153 infers that this should be done as it then sets out a further policy requirement. This conflict should be remedied in the final version.

Paragraph 157

Whilst the draft NPPF refers to sequential and exception test re flood risk, current national policy contains useful content on the required guidance and process to undertake these tasks. Clarification from Government on where this guidance could be retained (i.e. a Technical note) would be useful for practitioners and developers.

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

Strongly Agree



- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

14(d) Do you have comments? (please begin with relevant paragraph number)

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(f) Do you have comments? (please begin with relevant paragraph number)

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(h) Do you have comments? (please begin with relevant paragraph number)

Natural and local Environment

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

15(b) Do you have comments? (please begin with relevant paragraph number)

The policy appears to represent and overall downgrading of the importance of biodiversity and geodiversity within the planning system. Within this section there is a lack of reference to development management policies, with each of the sections referring to local policies, which it is considered means those found within local development documents. There is concern that the lack of reference to development management within the sections weakens the protection for biodiversity and geodiversity.

Paragraph 167

It is not considered that this paragraph goes far enough to ensure the protection of valued landscape. It is considered that the key principles outlined within PPS7: Sustainable Development in Rural Areas should be retained and that Local Planning Authorities are given national policy to ensure that the intrinsic value of the landscape is protected through Local Plan policy. This is particularly important in relation to the priority being given to the re-use of previously developed land before greenfield sites except where there is a mitigating factor. This change would reflect the importance that non-designated greenfield sites have on the natural environment.

Furthermore, the third bullet of the paragraph suggests that poorer quality agricultural land should be used first. If this is to refer to agricultural land grade, consideration should also be given to the fact that poorer quality agricultural land often has a greater amount of biodiversity. This can be seen in the number of County Wildlife Sites often located on poorer quality agricultural land, as higher quality land is used for intensive agriculture. It is considered that this paragraph should reflect this.

Paragraph 168

Whilst the fourth bullet point states that this should aim to prevent harm to geological conservation interests, it is considered that this should also state that they should be conserved. PPS9 which this section shall replace, gave the same amount of weight to geological sites as to sites of biodiversity and it would be expected that this should be repeated. Additionally, it is also considered that the bullet point should have reference to rescue geology, for the recording and collecting from temporary or threatened exposure.

Paragraph 169

Support the aim to conserve and enhance biodiversity; however it is not considered that this goes far enough. There is only limited reference to the importance of locally significant sites, which with the presumption in favour of sustainable development could harm biodiversity in these areas.

Paragraph 175

There is overall support for the aim to limit the impact of light pollution, particularly in relation to intrinsically dark landscape. There is however concern about the wording of the paragraph, stating that this will be achieved through good design. This leads to the potential for conflict with paragraph 117 within the design section, which states that design policy, should not be prescriptive. If the policy is not to be prescriptive the impact on neighbouring amenity will be difficult to regulate, and as such is unlikely to satisfactorily dealt with.

Historic Environment

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- | | |
|---------------------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

16(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 180

A general lack of detail and clarify to assist in the decision making for owners, practitioners, and applicants as a result of the loss of PPS5 Practice Guidance and further detail within the PPS5 document. Therefore, the general policy provision in the draft NPPF makes assessment and determination of applications by local authorities more difficult and introduces uncertainty for owners and developers.

There is no recognition of the role of that the historic environment has and can contribute to delivering the principle of sustainable development. The historic environment sets an important precedent in addressing climate change through its urban design of historic settlements and its embodied energy within the buildings fabric (as set out at HE1 and HE3.1 of PPS5).

There is no recognition that the historic environment (buildings, landscapes, structures and undesignated assets) are a finite and non-renewable resource. The value of the historic environment and its contribution to regeneration, quality of place and tourism is not clearly stated. Furthermore, there is also a lack of emphasis on the importance of finding new viable uses for usable heritage assets.

Paragraph 183 gives 'considerable importance' to conservation of a heritage asset, whereas PPS5 policy HE9.1 has a 'presumption in favour of conservation'. This change represents a reduction in control and lack of importance to which Breckland Council raises concern.

There is an absence of policy approach to help decision makers deal with modest or minor harm to heritage assets (previously PPS5 HE9.4) - in particular to Grade II listed buildings - as paragraph 184 refers only to 'substantial harm of total loss'.

There is no guidance on the protection of undesignated heritage assets (PPS5 HE7) and the omission of national guidance is a particular concern.

Whilst there are no Article 4 directions in place presently in Breckland, it is a tool

within the legislation to assist with the conservation and/or preservation of a particular character of an area. Its use is only referred to within the Development Management Section (paragraph 64) of the Draft NPPF, but it is written in such a way to discourage LPA's from using Article 4 Directions and does not refer to conservation of the historic environment as a reasoned justification. It is recommended that the Historic Environment section is amended to include reference to the use of Article 4 directions for conservation management purposes.

Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

The Planning Policy Statement for Traveller Sites has recently been consulted on, but is not adopted nor form part of the draft NPPF. The consultation version of this PPS is likely to change as a result of comments made during the consultation on the draft PPS. Breckland Council are concerned that a version of the PPS which has changed as a result of the consultation will then be thoroughly condensed and inserted in the final NPPF without further consultation. It is unclear how the Government intends to integrate the Planning Policy Statement on Traveller Sites with the NPPF. It is recommended that additional focussed consultation on this section of the NPPF be undertaken.

5 year land supply

At section 27 of Annex A of the draft planning policy statement for traveller sites, there is reference to the requirement for a five year supply of traveller sites. Like the NPPF proposes for housing clarity is required on whether the Government intends to introduce a 20% allowance on this requirement.

Ministers have said previously that a five year land supply of traveller pitches/plots ensures that there would be sufficient land available, providing that this is based upon an assessment of 'local need' for that time period. Furthermore, sufficient supply of land should result in the reduction of unauthorised encampments.

However, the Gypsy and Traveller community are transient in nature, adapting to economic change, making it difficult to plan for a 5 year land supply due to their choice of lifestyle. It is considered that the 5 year timescale may result in an element of over estimation and the figure would in fact be higher than required (RSS pitch provision is a good example of over estimation).

Local Authorities may be at differing stages with their development of a five year land supply through their SHLAA/LDF/Core Strategy which may result in shortfalls of allocated sites. This may result in 'unsuitable' sites being considered 'favourable' (see question 9). Furthermore, it may result in accommodating travellers from other parts of the Country due to an undersupply and/or difficulty of finding sites. This may lead to the local need being lost.

A five year land supply may not actually meet future needs of a particular district. An approach which addresses an identified local need over a shorter timescale might be preferable.

Breckland Council has written to the Rt Hon Eric Pickles MP earlier this year to ask that 5 year supply of housing be removed from National Planning Policy as it undermines the principles of localism and the planned approach to development. The Council supports the plan-led system as these are produced by elected Local Authorities in consultation with their communities. There is an opportunity through the NPPF to remove this requirement which appears to have not been taken by the Government; in fact it appears this will be extended to include traveller sites. It should also be noted that many Council's are still burdened with housing and traveller site figures taken from outgoing Regional Spatial Strategies embedded within their Core Strategy which may no longer be appropriate.

It is also unclear as to how any potential additional 20% traveller site requirement would be appropriate where this has not been the subject of testing at a higher level through a Core Strategy with its accompanying Sustainability Appraisal and Habitats Regulations Assessment if required. It is unclear

whether these levels of additional traveller sites could be delivered in sustainable locations identified in adopted Development Plan Documents.

It is recommended for the reasons given above that in the first instance, the Government do not add 20% to the 5 year supply of land for traveller sites, but more importantly, that the requirement for 5 year supply of land for traveller sites be removed.

Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

Breckland Council considers that the main change introduced by the draft NPPF is the signal to Councils that they will have to take greater responsibility for identifying and accommodating needs for their area. To date the certainty contained within detailed national planning policy has provided a basis for efficient plan-making and decision-taking for those authorities who have chosen to do so. The significant reduction in the detail of national policy will require additional resource for Local Plan preparation / evidence to provide robust local policy for those areas which have clearly been dissolved to a local level. Additional resource will also be required at the local level to assist communities with Neighbourhood Plans. The Draft NPPF has not sufficiently set out to local authorities the cost (or savings) implications of the proposed direction for planning.

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

QA5: What behavioural impact do you expect on the number of applications and appeals?

QA6: What do you think the impact will be on the above costs to applicants?

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications;
- (ii) the approval rate; and
- (iii) the speed of decision-making?

(i) At present the presumption in favour of development, without the qualification of the presence of an up-to-date plan justifying refusals may result in a short term increase in optimistic applications contrary to policy. There is no evidence in Breckland that applications are not coming forward to deliver sites and wider policy objectives in the LDF. A more challenging issue is access to finance and market demand to implement these schemes.

(ii) the approval rate in Breckland is already in excess of 95%. It is not considered that the draft NPPF will have a significant material effect in improving this rate.

(iii) The speed of decision making will, if the draft NPPF , be increasingly dependent on the ability of local planning authorities to prepare clear and concise Local Plans which provide clear guidance on what will or will not be permitted and where. The greatest risk associated with the draft NPPF is the ability/capacity of Local Planning Authorities to prepare such documents and the likelihood of resistance from local communities and councils to development which would otherwise be acceptable under the draft NPPF (i.e. appeals and

judicial review of decisions).

QB1.2: What impact, if any, do you think the presumption will have on:
(i) the overall costs of plan production incurred by local planning authorities?
(ii) engagement by business?
(iii) the number and type of neighbourhood plans produced?

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

QB4.1: What are the resource implications of the new approach to green infrastructure?

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

QB4.5 Will your approach to renewable energy change as a result of this policy?

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?

General comments