

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

Zone 1/H6, Eland House,

Bressenden Place

London

SW1E 5DU

(a) About you

(i) Your details

Name:	Mary Orton
Position:	Chief Executive
Name of organisation (if applicable):	Waverley Borough Council
Address:	Council Offices, The Burys, Godalming, GU& 1HR
Email Address:	mary.orton@waverley.gov.uk
Telephone number:	01483 523208

(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.

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

Yes

No

Name of group:

(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 checked="" type="checkbox"/> |

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

Waverley Borough Council believes that the effect of this policy will be to require planning authorities to say “Yes” to whatever development proposals come forward to us, regardless of the views of the local community or the capacity of the local area to support development. This is a stark contradiction of the ‘localism’ agenda. We fear that it is simply a developer’s charter.

There is a clear confusion between housing need and demand for housing, and a requirement for authorities to allow new building to meet demand in its entirety, with little or no regard to what this means for the character, environment and amenity of an area, or the pressures that will be placed on local infrastructure.

There are potentially very serious consequences arising from the statement that planning permission should be granted where a local plan is absent, silent, indeterminate or out-of-date. Clearly it will take time for local plans to be prepared or amended such that they fully accord with the NPPF. In the meantime there is a significant risk of ‘planning by appeal’ or local authorities being forced to approve developments that are not in the best interests of the local area. This risk is compounded by the clear emphasis in the draft NPPF on economic considerations over and above the social and environmental consequences.

There is also the risk that local authorities will try to prepare policies that anticipate every eventuality. This would work against the goal of having more rapidly produced, shorter

plans.

The presumption in favour of sustainable development and how this will apply in decision-making does not take proper account of the current legal position, namely that 'other material considerations' can influence the outcome of a planning application.

The Council also has concerns about the 'core planning principles':-

- A fundamental concern is the lack of direction in the NPPF regarding where development should go. It is a long held principle that the preferred location for development is on previously developed land (brownfield land). However, this approach is not carried forward into the NPPF. It is recognised that there will be places where the most appropriate way of meeting development needs will be greenfield locations. However, the NPPF as drafted is likely to encourage greenfield development (where development costs are often lower) even where there may be scope to develop brownfield land. The scrapping of the specific target for the proportion of development that should be on previously developed land is one thing. However, it is surely preferable, as a matter of principle, for appropriate use of sustainably located brownfield land to be the preference over building in the countryside.
- With regard to the location of development, the core principles state that planning should actively manage patterns of growth to make the fullest use of public transport, walking and cycling and focus significant developments in locations that are or can be made sustainable. The emphasis here is on reducing emissions etc. It should also emphasise the social benefits in terms of access to essential services and the role this should play in influencing the location of development.
- It is very surprising that the 'core principles' make no reference whatsoever to localism and the discretion this gives to local communities.
- Local authorities are also expected to take account of market signals such as land prices, commercial rents and housing affordability. There is a lack of clarity about how this will be applied in practice. However, given the emphasis elsewhere about promoting economic growth, there is a concern that these issues will become more prominent in decision-making, again at the expense of other social and environmental considerations.

In summary, this local authority fears that this policy is a damaging and retrograde one, that fetters our ability to plan for the future of our local communities in a way that accords with local people's aspirations for their area, and that risks causing serious harm to our rural environment.

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 checked="" type="checkbox"/> |

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

The Council has a number of concerns regarding the proposals for plan-making:

Paragraph 20: The most fundamental concern is about the proposal that plans should be seeking to meet all 'objectively assessed' development needs. It is essential that the Government clarifies what this means in terms of meeting 'need' and meeting 'demand'. Waverley is a very attractive place to live as evidenced by the high house prices. Consequently demand for housing is high. However, any attempt to satisfy market demand would require a huge increase in the amount of housing provided, with very serious consequences for local infrastructure and the general character and amenity of the area. In the past there has had to be a balance between increasing housing supply and assessing the consequences of this for the environment and levels of infrastructure. Moreover, it is questionable whether it is even possible to accurately identify both the need and demand for development.

Paragraphs 23 to 26: The NPPF envisages a local plan that is very different from a Core Strategy produced as part of the Local Development Framework (LDF). Local authorities like Waverley face a real dilemma. On the one hand there is the

desire to produce a plan quickly so as to minimise the risk of unsatisfactory development being allowed because a plan is out-of-date. On the other hand, if the Council were starting from scratch, it would produce a plan quite different in its scope and content to the Core Strategy that the Council is currently working on. Therefore, there is a real concern that if the Council continues to produce its Core Strategy (renamed as a local plan) it will fail because it does not conform with the NPPF. What is urgently needed is some guidance and specific transitional arrangements so that local authorities can decide how best to move forward, depending on where they are in terms of plan-making. No introduction of any presumption due to an out-of-date plan should be introduced before October 2013 at the earliest.

Paragraphs 23 to 26: On a matter of detail, it would be helpful to know how that Government views the continued saving of existing local plan policies whilst a new local plan is being produced.

Paragraph 24: The second bullet point of paragraph 24 needs to be clarified. Is the reference to taking account of longer term requirements and indication that plans should look more than 15 years ahead? If so, how is this to be achieved in practice, particularly considering how the economic situation has changed so much in the last three years and how it might change in the next few years?

Paragraph 26: There is also the practical issue of the 'Certificate of Conformity' and how this would apply in practice. It has been suggested that there may be up to 88 criteria in the draft NPPF that a local plan would have to meet in order for it to fully comply with the NPPF. In reality it is unlikely that any adopted Core Strategy, or a plan that is still being prepared, would meet all these criteria. This needs to be addressed alongside the transitional arrangements suggested above.

Paragraph 31: The definition of infrastructure appears to differ from the definition used for the Community Infrastructure Levy. There must be a consistent approach on this.

Paragraph 41: There is a reference to the impact of local standards and requirements not putting the implementation of development at risk. It goes on to state that these local standards and policies should facilitate development throughout the economic cycle. What does this mean in practice? Does this mean that the requirements should be prepared on the basis of circumstances at the bottom of the economic cycle? Clarification of this statement is needed.

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

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

There is great concern in our community and among our elected Councillors that developments close to our borders will place a very large strain on our local infrastructure and facilities – such as schools, roads, rail services, health facilities etc. This is a matter that has never been dealt with satisfactorily in previous national guidance, and the draft NPPF does not adequately deal with the matter either. Imposing a ‘requirement’ for neighbouring councils to work together fails to mitigate the cumulative negative impact that will arise from too much development with too little investment up-front in the infrastructure required to support it, and consequently too much strain on our local communities.

Paragraphs 44 to 47: Whilst there are potential benefits from working more closely on issues that cross local boundaries, the approach in the NPPF is very optimistic and aspirational. Firstly there is the fact that neighbouring local authorities will often be at different stages in the preparation of their local plans such that consistent work, such as evidence gathering, will be difficult to achieve. In terms of meeting development needs, it is unlikely that many authorities will actively agree to further development in its area to off-set less development taking place in a neighbouring area.

Paragraphs 44 to 47: There is also the practical issue of identifying which authorities should work together. For example, if the travel to work patterns are used to identify housing market areas or areas where collaborative working should take place, this would have significant consequences on an area like Waverley, where there are already high levels of in and out commuting for work resulting from the influence of

London and the level of house prices in the area.

Paragraph 48: Another concern in the Plan Making section of the NPPF is the additional test of soundness requiring a plan to be 'positively prepared'. There are concerns about the practical difficulties of securing cross-boundary co-operation as well as the difficulty in accurately identifying local development needs. The meaning of this new test needs clarification in order to minimise the risk of this being challenged during the Examination of the Local Plan.

Decision taking

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

3(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 checked="" type="checkbox"/> |

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

The Council has three particular concerns:-

- It is surprising that there is no mention in the draft NPPF of enforcement. This is a key part of the planning process and warrants some mention. Our Council takes planning enforcement very seriously as a crucial part of our role in protecting our environment against harmful development, as indeed our local community fully expects and demands.
- As explained at the outset, there is an urgent need to clarify what is meant by sustainable development and how the three strands, economic, social and environmental are balanced. This is important both for plan-making and decision-making. A good planning policy framework would allow local Councils the flexibility and discretion to balance these competing demands in such a way as is appropriate to their local conditions. This policy does not do that. Instead far too much emphasis is being placed on the need to increase the housing supply whatever the impact and effect. This is

the wrong approach.

- The issue of the presumption in favour of sustainable development needs to be put in context with the current legal status of the development plan (Section 38) and the impact of 'material considerations'.

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

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

The aim should be to provide clarity rather than brevity. This may not necessarily be achieved by a 'light touch'.

The current PPGs and PPSs contain a wealth of useful planning policy advice to guide both plan making and decision making. This is particularly evidenced by recent PPSs such as PPS4 and PPS5. The concern remains that there is a potential policy vacuum between the introduction of the NPPF and the time needed for local authorities to prepare the more detailed local plans envisaged by the NPPF.

Paragraphs 39 to 41: It would be useful to have further guidance to help local authorities deal with the practical issues relating to development viability etc.

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

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

Waverley is extremely concerned about the new approach being proposed for employment land. Balanced communities need local employment as well as housing, and the retention of sufficient and suitable employment land is absolutely essential to the maintenance of a balanced local economy. How can jobs and wealth be created if there is no space for business and commercial activity to develop and grow?

Paragraphs 75 (and paragraph 24): There is a clear conflict between guidance on employment land in paragraph 75 and the general statement in paragraph 24 about long term needs. The Government needs to be clearer about its intentions for existing employment land. Paragraph 75 states that planning policies should avoid long term protection of employment land. However, Councils are also expected to plan over a 15-year period and this means considering both short and long term business needs. This must include safeguarding employment land so that it can meet short and longer term business needs for accommodation in the area.

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?

No comments

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
- Disagree
- Strongly Disagree

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

The emphasis in this section is on town centres. However, it is also important to recognise and safeguard the value of local shopping facilities within villages of within district centres that are outside the town centre.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

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

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

Paragraph 83: The broad aim of locating development so as to facilitate the use of public transport is supported, but the addition of the phrase 'where reasonable to do so' is unhelpful. The concern is that developers seeking to locate in unsustainable locations will find it too easy to simply say that it is not reasonable in their case to seek a more sustainable location. Waverley has very poor public transport, away from the London-Portsmouth main rail line. This paragraph shows a lack of understanding of, and disregard for, rural areas where public transport is poor at best and often non-existent.

This is a fundamental flaw that recurs throughout the document. The presumption is that developers can argue their way out of having to meet their proper share of the cost of providing appropriate infrastructure – including transport, affordable housing etc. But the document is silent on how the resulting shortfall will be funded. Communities need investment

in infrastructure. All areas of the country have existing infrastructure deficits, often running into £millions. Piling additional and unsustainable development pressure onto already overstretched communities simply will not work.

Paragraph 84: Surely the objectives of the transport policy should be to deal with social considerations and to promote development in locations that provide the best access to services etc. including for those without access to a car.

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 checked="" type="checkbox"/> |

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

Paragraph 98: The term 'near a school or college' needs to be more clearly defined.

There is an urgent need to improve broadband connectivity. This is a national issue, requiring a strategic and coordinated approach with the appropriate investment in infrastructure. It should not be left to be dealt with in an uncoordinated way through S106 agreements.

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- | | |
|----------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
|----------------|--------------------------|

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

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

No comments

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

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

The Council has a number of serious concerns with this section of the NPPF:

Paragraph 109:-

- Seeking to meet full demand for housing in an area like Waverley would have serious consequences in terms of the impact on the character of the area, the loss of countryside and the strain on local infrastructure. There has to be a balance between seeking to meet the need and demand for new homes whilst recognising the limitations of the area to accommodate this growth in a sustainable way.
- It is unrealistic to suggest that the full demand can be identified in a robust way.
- Housing market areas may include a number of local authorities and, as set out above, there are practical

issues regarding collaborative working.

- Who is to define what comprises the housing market area and what happens when a number of housing market areas overlap?
- There needs to be some practical guidance on assessing housing needs, including dealing with issues like migration patterns, to ensure consistency in the way this matter is addressed.
- It is utterly unreasonable to suggest that local authorities should now plan for 6 years supply over the five year period. The justification for this is weak, but the consequences for local authorities potentially quite significant. There is a similar concern that the definition of a deliverable site now requires local authorities to determine that the sites making up the 5-year supply are viable. This is at odds with the general aim that there is a realistic prospect of housing being delivered on the site within the five years.

Paragraph 112: The Council notes the proposal that local authorities should consider whether allowing some market housing would facilitate the provision of affordable housing. Whilst this Council has been quite successful in facilitating schemes for 100% affordable housing in rural areas, it recognises that there may be some cases where the inclusion of a small element of market housing could be the catalyst for bringing forward sites. However, this would have to be assessed on a site-by-site basis, and be the exception rather than the norm.

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 checked="" type="checkbox"/> |

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

Planning for schools is a very difficult aspect of the planning process, as County Councils simply do not have adequate resources to provide enough school places in the locations where they are needed. This places huge strain on our local communities. Planning for schools to serve new housing takes years of preparation. It is not acceptable for this vital infrastructure to be an afterthought, or to be inadequately funded by developers.

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 checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Paragraphs 114 – 123: The design policies should include some reference to sustainability.

Paragraph 121: The Council is concerned about the proposal to give significant weight to outstanding or innovative designs. This is highly subjective and likely to result in lengthy

arguments at appeal over the quality of the design. In any event what is the justification for these considerations overriding other factors such as the suitability of the location?

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 checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Whilst this Council welcomes the proposals in the NPPF to provide continued protection for the Green Belt, it has some concerns about the proposals.

Paragraph 139: Although this is very similar to paragraph 2.10 in PPG2, the opportunity should be taken to clarify exactly what this statement means. As presently worded it is open to interpretation.

Although the section in the draft NPPF on the Green Belt is quite detailed, it omits the reference in PPG2 concerning the visual amenity of the Green Belt. PPG2 says that the visual amenity of the Green Belt should not be injured either by development within the Green Belt, or conspicuous from it, which although they would not prejudice the purposes of including land within the Green belt, might be visually detrimental by reason of their siting, materials or design. These are important tests for considering development in the Green Belt and should be retained.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

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

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

Paragraph 148 – There should be some reference to national sustainable building standards such as the Code for Sustainable Homes or BREEAM. PPS1 Supplement Planning and Climate Change sought to specify local requirements in terms of achievement of national standards such as Code for Sustainable Homes or BREEAM and advised that local requirements should be focussed on development areas or site specific opportunities. Such guidance is missing from the NPPF. It is unclear whether this allows LPAs to adopt a more proactive approach to achieving higher levels of the Code for Sustainable Homes where it is locally justified.

Paragraphs 148 to 153: The NPPF should recognise the importance of good design in mitigating and adapting to climate change, not just location and layout.

Paragraphs 148 to 153: The section should also make reference to the need for local authorities to have policies in place to enable “allowable solutions” requirements to be dedicated to locally defined projects. Allowable solutions will be required for all housing developments to achieve zero carbon after 2016 and for all commercial development after 2019 assuming the Government continues its commitment to implement such requirements through Building Regulations. Zero carbon is expected to require off-site solutions and if allowable solutions are not set out developers will have to pay allowable solution contributions into a third party fund which may not work to the benefit of the local area.

Paragraph 151: It is not clear what is meant by “promoting high levels of sustainability” or “well designed”. It will be open to abuse by developers and Inspectors.

Paragraphs 154 to 158: With regard to flooding, clarification is required regarding the definition of risk of flooding because the existing definitions and application of sequential tests are set out in the practice guidance which is due to be cancelled.

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)

Paragraph 152 – The NPPF does not include any expectation that local targets will be set to achieve renewable and low carbon energy generation.

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

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

Paragraphs 152 & 153: The NPPF asks LPAs to consider identifying “suitable” areas for renewable and low carbon energy. It is unclear whether “suitable” areas means “opportunity” areas. The guidance states that applications for commercial scale developments proposed outside of opportunity areas should meet criteria used in identifying opportunity areas, but there is no guidance on 1) setting criteria or 2) what is meant by “commercial scale”.

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

14(g) Do you agree?

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

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

Paragraph 156: As above, clarification is required regarding the definition of risk of flooding because the existing definitions and application of sequential tests are set out in the practice guidance which is due to be cancelled.

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

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

Paragraphs 163 to 167: The concern in relation to this section is as much about what is not in it as what is. It is acknowledged that there is a hierarchy of protection for countryside areas, with designations such as Green Belt and Area of Outstanding Natural Beauty having the highest level of protection. However, the Council is very concerned that the NPPF does not support the principle enshrined in current policy of favouring development on Previously Developed Land above development in unrestricted countryside or areas subject to

local designations. There is a very real threat that the character of areas like Waverley will be adversely affected by the pressure for new development, particularly if this is coupled with the unrealistic aim of trying to meet full development needs, with very little regard for what this means for local character, local infrastructure etc.

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 checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

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

Paragraph 37: There is a concern about how realistic it is to expect local authorities to be able to predict the likelihood that currently unidentified heritage assets will be discovered in the future.

There is a concern at the omission of guidance currently in PPS5 (HE9.4) dealing with less than substantial harm.

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?

No for the reasons set out below

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?

Attached are this Council's comments in response to the earlier consultation on the draft PPS on Gypsies and Travellers.

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.

Overall the evidence base for promoting the changes to the NPPF is based on anecdotal evidence and selective quoting of facts. It gives the impression of being a document where policy was written and conclusions reached and then evidence presented in a way to justify it. If this had to go through the same process of independent review as a Council's Core Strategies, we believe it would be found to be unsound.

The assumptions that somehow the planning application process will be easier and simpler are misplaced. The lack of detail in the NPPF will need to be replaced by more detail in Councils' own local plans. This may not be a bad thing as it may better reflect local circumstances, but to ensure that users of the planning system have the clarity needed there will be costs imposed on Councils in preparing policy documents. The potential for argument and debate because of the lack of clarity will impose additional costs that will inevitably fall on the

Council Tax payer.

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?

No

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?

No comment

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

See answer to QA1 above

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

We expect a sharp increase in the number of unsustainable and unsuitable applications received, as developers and landowners seek to profit from the lifting of constraints that balance development against environmental and other policy considerations. The volume of appeals will also rise, as the clear expectation set out in this document is that all house-building applications will be granted at appeal – regardless of the policy framework determined by the planning authority in consultation with the local community.

We expect an increase as the lack of clarity of over policy which will encourage an increase in applications as developers take advantage of this to test proposals both at planning application stage. This will result in an increase in applications, and increase in refusals and hence appeal numbers will go up.

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

Clearly an increase in costs. The numbers of applications

approved will reduce below current levels. This will result in costs and delay.

Appeals are already heavily subsidised by the council tax payer. There needs to be a change in national policy so that the full cost of appeals is met by the applicant.

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

While we can see the benefit in reducing the amount of policy prepared by the government, the lack of balance in the NPPF and overtly pro growth agenda has now generated such a high level of opposition from many sectors that it is doubtful it will have a credibility with users of the system.

We urge the government to withdraw this unsound document and instead seek a sensible and informed debate over the future of planning system.

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?

Numbers of applications will go up as developers use the planning system to test their proposals against ambiguous advice. The number of approvals will reduce as LPAs resist what they consider to be unacceptable development. The high level of appeals will result in slower decisions being made. The irony is that Councils such as Waverley now deliver a fast efficient planning service with the majority of applications approved and almost all applications determined within target.

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?

Plan production costs are likely to increase as Councils have to produce more detailed documents to replace the detail in current PPS. More evidence base will be required to support policy development due to the lack of clarity in the NPPF

The lack of guidance about key issues such as housing

numbers increases the scope for lengthy debate during policy preparation about the key issues.

Businesses along with other participants will incur additional costs as they engage in what is inevitably going to be a lengthier and more adversarial process

Neighbourhood plans will incur costs for Councils who will have to support local groups by providing legal and technical advice, support public consultation and pay for public inquiry costs.

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?

As written it is clearly giving economic considerations priority. This could ultimately lead to environmentally damaging development. This lack of balance goes to the heart of the Council's concerns. Ultimately this will undermine the public's confidence in the planning system.

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

Likely to increase as councils will still wish to resist development where it considers that the environmental damage exceeds any perceived economic benefit. There is a very high risk of 'planning by appeal' regardless of the content of local plans, as inspectors will be compelled to interpret the presumption in favour of development too literally.

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

This question relates to the relaxation of office location policy in the draft NPPF. The analysis of the potential economic benefits of relaxing office location policy appears to be based on no real evidence. The assumption that current office rents are due to restrictive policies appears based on no empirical research. By contrast, locating offices in less sustainable locations without access to alternatives to the car will result in more peak time congestion – no assessment of the environmental effects of this are given. The policy gives no assessment of the environmental, social and economic effects of increasing vacancies in town centre offices which could result as users

relocate to edge of centre locations

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?

Yes

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

This will impose costs on Councils as they have to set standards for non residential parking based on local circumstances. Unlike residential parking standards which is properly a local issue – non residential parking should be based on a national and sub regional overview to ensure consistency across an area and to avoid local authorities setting different standards to attract development to their area. The conclusion in the assessment that increased town centre office parking levels will not increase traffic in town centres is difficult to substantiate.

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?

National planning guidance has in recent years been completely unrealistic about parking requirements for new developments. In rural areas, residents need to rely on cars as there is only poor public transport. Most households have more than one car, and developments require adequate off-street parking.

The assessment underestimates the potential economic and environmental costs of town centres seeking to competing with each other by providing large numbers of additional parking to attract businesses / customers etc. This could result in increase lengths of car journeys and some town centres declining.

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

No comment

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?

It will encourage developers to focus on greenfield releases at the expense of brown field sites which would benefit from redevelopment. There is the likelihood of areas of countryside being unnecessarily built on while brownfield sites remain vacant. It is difficult to see this resulting in any increase in total numbers of housing. It has the potential however for an increase in housing being built in the wrong place against local peoples wishes. The government should be focusing on putting in place the financial incentives to get the large areas of remaining brownfield sites across the country redeveloped

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?

No. This is a bizarre requirement that lacks any scientific basis and will place unjustifiable strain on planning authorities, resulting in an unrealistic oversupply of land that will not be suitable for sustainable development.

It is likely that developers will cherry pick those sites which are most attractive because they are easier to develop or where demand is highest. This could mean that brown field sites would be less likely to be developed. It also assumes wrongly that the development industry has the aspiration and ability to satisfy demand – it does not. Neither is there any evidence that increasing supply of land will reduce costs.

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

This is under consideration. However the retention of a national target provides a useful benchmark by which to set a local target. The central target should be retained.

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

The answer is no as the draft policy does not change the policy presumption against market housing in the green belt which covers most of Waverley's villages. It may be appropriate to allow more housing on the edge of these villages (whilst retaining their green belt status) by supporting a mix of market and affordable housing. However this would require a change to the NPPF to allow this. Waverly would in principle be supportive of this so long as adequate controls were in place and local communities were supportive. Ironically the green belt policies in the NPPF give little scope for local discretion despite the government's stated support for localism.

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

This has the potential to be very costly. It would involve developing a clear understanding of all community facilities and uses in the Borough together with an assessment of unmet need. This would be challenging because community use has no clear definition and assessment of need (as opposed to demand) difficult to undertake.

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

This could as much as £10k to set up with ongoing costs to maintain.

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?

Yes in principle – though there is a lack of clarity as to whether community right to build will enable development which is not consistent with green belt policy. In reality the draft NPPF does not make any meaningful changes to green belt policy and with the exception of community right to build imposes no significant costs.

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

This will require councils to get a better understanding of what green infrastructure is and how it functions. It is likely to have greater impact on urban authorities with a complex network of green spaces which need a coordinated approach than in a rural authorities like Waverly where most people have easy access to the countryside and other open space

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

In principle the policy intention is sufficiently defined. They will replace the network of local designations in Waverley's Local Plan

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

No

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

It is difficult to assess this. The answer to para. 14 f given earlier outlines the Council's concerns.

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

Difficult to assess – but the improvements needed to the NPPF set out in para 14 f are required to provided a clearer framework to support

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?

No the Council will continue to monitor the historic environment regardless of a reference to the need for monitoring in the NPPF