

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:	Mark Deverill
Position:	Chair of Planning Committee
Name of organisation (if applicable):	Kendal Town Council
Address:	Town Hall Kendal Cumbria LA9 4DQ
Email Address:	secretary@kendaltowncouncil.gov.uk
Telephone number:	01539 79759

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

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

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:

Kendal Town Council

(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)

Para 10. The draft is built round the presumption in favour of sustainable development, which is completely correct. However, it then follows that it must follow the Government's own definition of sustainable development, published in 'Five Principles of Sustainable Development' in the Shared Framework for Sustainable Development, released in March 2005.

The five Principles for Sustainable Development are:

- **Achieving a Sustainable Economy**
- **Ensuring a Strong, Healthy and Just Society**
- **Living Within Environmental Limits**
- **Promoting Good Governance**
- **Using Sound Science Responsibly**

The structure of the Draft uses parts of the first three, but omits the last two. The omissions are serious, and undermine the approach of the NPPF and its claims to support sustainable development.

Examples of omissions: the "Polluter Pays" principle in which environmental and social costs fall on those who impose them; the "equal opportunity for all" principle (e.g. the absence of

effective measures for affordable rural housing in honeypot areas); Governance: the need for community acceptance of Local Plans as well as subordinate Neighbourhood Plans; and Sound Science: the use of best professional practice as built up in the current planning system.

Para 11 starts off well by saying all three components should be delivered in an integrated way

Para 13 then contradicts this by emphasising only economic growth. From this point onwards, the Draft consistently emphasises the economic over the social and environmental roles. This is not a route for achieving sustainable development.

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

Agree

Neither agree or Disagree

Disagree

Strongly Disagree

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

Para 48 The infrastructure test is useful.

What is missing from the tests of soundness is a test against the sustainable development principle of Good Governance, e.g. that a plan is "Accepted by the community - the plan must be shown to command widespread support in the affected communities".

As it stands, the Draft is illogical -

Neighbourhood Plans have to command majority support; they have to comply with the Local Plan; but the Local Plan does not have to pass a test for community support.

The soundness tests also need a test against the principle of Sound Science, e.g. that a plan is “Consistent with best practices in town and country planning as embodied in current policy (e.g. The Taylor Review for rural development)”

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

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

Decision taking

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

3(a) Do you agree

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

Strongly Disagree

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

Para 53 is not a balanced view of why development management exists. It should read: "The primary objectives of development management are to foster the delivery of sustainable development, and to prevent unsustainable development. "

Para 68: Planning obligations should be used where they are necessary to make a development sustainable, not "acceptable in planning terms".

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

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

Outsourcing of policy removes democratic accountability and is likely to increase cost, and is contrary to Government policy of reducing quangos.

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

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

Para 71-81 (whole section) What is completely missing is the part of Sustainable Development Principle “Achieving a Sustainable Economy” which requires “environmental and social costs fall on those who impose them (Polluter Pays), and efficient resource use is incentivised.”

Para 81 - the best practice for rural areas was clearly laid out in the Taylor Review. This is a good example of where the Government should not be seeking to re-invent a wheel - c.f. the missing Sustainable Development Principle of “Ensuring policy is developed and implemented on the basis of strong scientific evidence...”

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?

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

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

Para 76 - needs a bullet point about prioritising getting empty premises / brownfield sites into use before permitting new development (a key principle of sustainable development)

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

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

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

Para 84. The first bullet point reads strangely in this context. From a planning framework, sustainable development requires that an objective of transport policy is “reduce the necessity for the movement of people and materials around the countryside in support of everyday economic or other activity”. Transport is a problem, not a solution.

Para 87. The Draft endorses long range planning, yet the section on Transport does not require local authorities to consider the impact of Peak Oil and the requirement to develop transport infrastructure that can be sustained as oil and gas becomes unaffordable.

Para 88 needs to embody the Sustainable Development principle of “the polluter pays”.

Communications infrastructure

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

8(a) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

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

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

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

Para 100. For sustainable development, the planning system must actively encourage the adoption of low carbon (low embodied energy, locally sourced) building materials.

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

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

Para 107 To meet the principles of sustainable development, there needs to be an objective “prioritise the maximum usage of current housing stock over new development”

This then requires a section of its own in the document. This would include actions on bringing empty stock into use; on enabling planning use classes to be used to manage the numbers of second homes / holiday lets in tourist honeypot areas; etc.

This section includes “widening opportunities for home ownership”. However, the policies in para 111 are completely inadequate to meet the demand for affordable housing in desirable rural areas, where low local wages mean that people in the area can never compete effectively for open market housing. Flooding the area with housing in order to create a trickle of affordable houses is not sustainable.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

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

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

Para 127 needs an extra bullet point “ensure that the necessary infrastructure is delivered to provide safe walking / cycling routes to schools throughout the school catchment area”

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

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

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

Para 116 The design of buildings for sustainability requires policies to consider lifetime energy usage (from the embodied energy in materials, through lifetime usage in providing a comfortable interior environment and maintaining the fabric of the building, through to eventual decommissioning / recycling). This

needs to be added to the draft.

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

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

Para 136 The assumption that ‘It should not be necessary to designate new Green Belts except in exceptional circumstances’ is not correct. For example, in Cumbria there are no designated Green Belts. However, the Taylor Review demonstrated the importance of preserving Green Gaps around settlement boundaries to facilitate sustainable development in historic market towns. Pressures on these towns are just as intense on those on larger urban areas, and Green Gaps require the same protection as Green Belts.

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

Strongly Disagree

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

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

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

Historic Environment

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

16(a) Do you agree?

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

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

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?

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?

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?

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?