



National Planning Policy Framework Consultation

Response by Smart Growth UK

MARCH 2021

Q1. Do you agree with the changes proposed in Chapter 2?

We fully support the proposal to mention the Sustainable Development Goals in paragraph 7. Indeed, we believe you should go further and spell out those with most relevance to the *Framework's* purposes:-

* Goal 6: Clean Water and Sanitation. This draws attention to the problems of water stress and the need for adequate infrastructure and sanitation. This is an area where the *NPPF* is currently deficient, failing to proscribe large-scale development in areas where water bodies are already failing to meet good ecological status and where water supply and infrastructure is already under strain.

* Goal 8: Decent Work and Economic Growth. This Goal highlights growing inequalities and uneven growth. This is another area where the Framework is deficient, failing to stress the need to rebalance England's economy but supporting initiatives that would make inequality worse like the Oxford-Cambridge Arc.

* Goal 9: Industry, Innovation and Infrastructure. This highlights the lack of infrastructure in many places and reminds us that, with half the population living in cities, "mass transport and renewable energy are becoming ever more important". Yet many English cities lack even basic rail-based public transport networks, for instance, and the *Framework* does little to make addressing this a priority.

* Goal 11: Sustainable Cities and Communities. This Goal stresses the need for sustainable development in cities and building resilient societies and economies. It calls for "investment in public transport, creating green public spaces, and improving urban planning and management in participatory and inclusive ways". Yet the *NPPF* facilitates flight from the cities to car-dependent greenfield development, does little to prevent the destruction of green spaces and imposes Government *diktat* on local planning rather than anything participatory and inclusive.

* Goal 13: Climate Action. This stresses the need to reduce greenhouse gas emissions, yet the *Framework* is happy to endorse highway and airport construction, HGV-based distribution systems and car-dependent greenfield development.

* Goal 15: Life on Land. This Goal should certainly be spelt out in full in the *NPPF*. It notes that “Human life depends on the earth as much as the ocean for our sustenance and livelihoods. Plant life provides 80% of the human diet, and we rely on agriculture as an important economic resource.” The *NPPF*’s almost total failure to provide any worthwhile protection to farmland is one of its worst failings. If it is to commit to the SDGs, as it should, then this deficiency needs to be remedied elsewhere in the document. And while there is much greenwash about offsetting loss of biodiversity in development, the reality is that there are as yet no proven effective metrics and it is often no more than a cynical PR exercise.

We support the proposed changes to paragraph 8, but they do not go far enough. 8(a) needs to be amended because it presently suggests the main economic aim of the planning system is to release land for development. Certainly that is one consideration for the system but planning has many other economic functions, like ensuring economic growth is shared, and that areas’ economic needs, including food, are met. 8(c) should mention the need to protect ecosystem services.

In paragraph 9, we recommend deletion of “not” in line 2.

Paragraphs 10 and 11 should be deleted and the *Framework*’s commitment to sustainable development redrafted. The so-called “presumption in favour of sustainable development” has brought the whole of Government planning policy for England into serious disrepute. It does nothing to secure sustainable development while achieving the exact opposite. It has been used by developers to evade proper planning controls and to get approval for unsustainable development unfettered by considerations that should be imposed on development proposals and to blackmail local planning authorities into releasing more land for development than is either needed or sustainable - frequently at unsustainable locations. The claim in paragraph 10 that the presumption is a way of ensuring sustainable development is pursued “in a positive way” is a grotesque manipulation of reality, “positive” here meaning “uncontrolled”

Given the draconian prescriptions in 11 (c) and (d), the fine words in 11(a), however formulated, are undermined. It has plainly been impossible for councils to argue the defences in (b)(ii) and (d)(ii) and the courts have helped to undermine sustainable planning. The whole of paragraph 11 needs to be scrapped, apart from 11(a).

Q2. Do you agree with the changes proposed in Chapter 3?

Paragraph 20 should explicitly add “environmental impact” to the list of things strategic policy should set out an overall strategy for and add “nature recovery networks” after “green infrastructure”.

Footnote 13, along with the presumption, should be deleted. It simply undermines any benefit from this provision.

Given current uncertainties in so many things, including the national economy and the environmental imperatives still to be addressed in terms of climate change, biodiversity, food security etc., it is ludicrous to expect plans to make provisions stretching 30 years ahead, into the 2050s, simply so that hopelessly unsustainable car-dependent large-scale new settlements can be accommodated. The infrastructural and transport needs of isolated settlements even 10 years ahead are going to look very different. So the new sentence proposed for paragraph 22, demanding investment in unsustainable infrastructure simply to accommodate environmentally destructive modes of development, is completely unacceptable.

We support the addition to paragraph 35(d), but it should spell out what these are.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

Even with the addition of a comma in the first line, paragraph 49 makes little sense. If the so-called “presumption” is to be applied, it suggests that an up-to-date local plan is still awaited, so many development applications (especially substantial ones) will be premature and local planning authorities should normally be able to refuse them on that basis. Even with the caveats in (a) and (b), this paragraph effectively undermines plan-led planning, especially if the white paper proposals which place ever more stress on it are imposed.

Paragraphs 53 and 54 should be completely redrafted in the light of the extension of permitted development rights to allow widespread unsustainable development. Even to suggest that PDR developments should be halted only when they are “wholly unacceptable” effectively means that significantly unacceptable developments are now acceptable. This pretty much says all that needs to be said about the PDR extension, though it is perhaps welcome that MHCLG should confirm it in this way.

The paragraphs need to say that the use of Article 4 directions, planning conditions, or other measures (to be reinstated) in the development control system should be both acceptable and the norm in cases where developments would cause unacceptable adverse impacts.

That is a key function of the planning system.

Q4. Do you agree with the changes proposed in Chapter 5?

In paragraph 65, there is no reason to make the basic level of affordable housing 10%. All too often developers are able to misuse the viability provisions of the *Framework* to keep their contribution as low as possible, often less than 10%. The definition of “affordable housing” also needs to be reformed (see below).

The proposed alteration to paragraph 70 (old 69) is simply a way of further curtailing neighbourhood planning powers.

Paragraph 73 (old 72) needs to be substantially rewritten, starting with “The supply of large numbers of new homes can hardly ever be achieved sustainably through planning for larger scale development”. New settlements are virtually never associated with the sort of dense urban rail-based public transport that secures low-carbon development, they always require 100% new infrastructure compared to urban footprint development and they are nearly always wholly or overwhelmingly greenfield. “Working with support of their communities” needs to be clarified. Does this simply mean the local authority putting it, under Government pressure, in their local plan? If you are serious about making such a provision, there would need to be a genuine and democratic form of testing support.

Subsection (b) effectively confirms the challenges and unnecessary expense in providing infrastructure for new settlements. Subsection (c) still retains the reference to “garden city principles” which have proved troublesome. Presumably this means the ultra-low residential densities and wasteful landscaping areas used in garden cities which developers find most profitable but which waste scarce land on the grand scale, and need to be deleted.

Footnote 40 still retains a reference to the Housing Delivery Test which has been used to impose unsustainable building levels on significantly constrained authorities. This undermines ambitions to enhance “beauty”.

In paragraph 80 (old 79), we recommend deletion of subsection (e) as it is simply used to justify virtually anything designed by an architect. Who decides what is “outstanding”? It just becomes another way of undermining good planning at inquiry.

Although “soil” is mentioned on page 50, it should also be mentioned in paragraph 84 (old 83) in the rural economy section. The development and diversification of agricultural businesses at a time of climate change will not be possible if the soil cannot support them. Soil improvement must be a priority.

Q5. Do you agree with the changes proposed in Chapter 8?

We recommend paragraph 91 (new 92), subsection (a) add a clause saying local planning authorities should be able to suspend permitted development rights for, e.g. retail to residential conversions, where they would undermine the objectives of this subsection.

Q6. Do you agree with the changes proposed in Chapter 9?

Paragraph 109 (old 108) subsection (a) needs to be rewritten to say “the site is accessible to rail-based transit networks and is accessible by walking and cycling and sites should be rejected where these facilities are unavailable or are not being provided in time for the

development to be occupied". Subsection (d) should be reworded to replace "can be cost effectively mitigated to an acceptable degree" with "will be reasons to reject the site".

We welcome the deletion of footnote 45.

Q7. Do you agree with the changes proposed in Chapter 11?

Paragraph 124 (old 123) is still fatally weak in suggesting that low-density housing should only be avoided where there is a shortage of land and only that avoiding it in such cases is "especially important". It should say there is a national shortage of land and low-densities should be ruled out except in certain very carefully defined cases. The character assessments, codes and masterplans should spell out the very limited cases where residential densities less than 60dpm might be acceptable for small developments.

Q8. Do you agree with the changes proposed in Chapter 12?

In paragraph 126 (old 125), the reference to developing design policies with local people should stress the need to positively consult local people and local amenity bodies with a good knowledge of local design.

The new paragraph 128 would permit design codes to be prepared at a site-specific scale. If this were allowed, it could often undermine the council's area-wide guide by introducing elements which were discordant with it. The codes should always be part of plans or supplementary planning documents and applicants should not be given the freedom to prepare quotes for their own sites; they could use this to introduce discordant, but substantially less costly, elements. National documents should not be used where local documents are still awaited where they conflict with long-standing and well-established local design standards. Because a local plan is "out of date" doesn't mean it isn't useful.

New paragraph 130 should also make clear that applications may be refused or modified where they result in unacceptable loss of trees, either on street, on accesses or on sites, rather than the weak "existing trees are retained wherever possible". New footnote 49 should be deleted. (Where trees have room to spread or regenerate naturally (and are doing so), rather than through new planting, they should be allowed to continue, as this form of additional tree and scrub cover is often more self-sustainable.)

In new paragraph 133, significant weight to (a) and (b) suggests design be given greater weight than other important provisions in the Framework. (b) is anyway superfluous. Surely if designs reflects local design policies and Government guidance, they should already be outstanding, promote high standards of sustainability or help raise design standards locally.

The first sentence of the old paragraph 130 needs to be retained to allow local planning authorities to defend local standards by refusing developments and defending this at local inquiries.

Q9. Do you agree with the changes proposed in Chapter 13?

It is disappointing to see there are no proposals for amending the provisions on exceptional circumstances which have seriously undermined the purposes of green belt policies.

Q10. Do you agree with the changes proposed in Chapter 14?

The change to paragraph 160 is welcome, but an important and emerging issue for sustainability will be the threat of regional flooding as a result of sea-level rise and extreme weather, including storm surges. While local sequential tests are important, subsection (d) is not adequate as it does not deal with regional issues. We now need something wider to cope with longer term flooding.

Paragraphs 162-165 (old 159-162) should be deleted. Allowing development in a flood-risk area can (sometimes) be mitigated in the short-term by special measures, but such developments will almost inevitably exacerbate flooding in other areas

Paragraph 166 (old 163) would still remain relevant, however, but the amendment to subsection (b) is both unnecessary and misleading. As it originally said, developments should be flood resistant and resilient but flooding will necessitate some form of significant refurbishment in most circumstances.

Q11. Do you agree with the changes proposed in Chapter 15?

The proposed amendment to paragraph 175 (old 172) fails to address the obvious contradiction in this paragraph. The paragraph gives great weight to conserving and enhancing landscape and scenic beauty in national parks, the Broads and AONBs, but it says that great weight should only also be given to conservation of wildlife and cultural heritage in national parks and the Broads. So, as it stands, no weight should be given to conservation of wildlife and cultural heritage in areas of outstanding natural beauty. This is both perverse and destructive.

It's unclear why the exceptional services test needs a new paragraph (176) but it is still too lenient – particularly thanks to subsection (b) and the final clause of subsection (c).

Paragraph 179 (old 175), subsection (a) suggests that significant harm to biodiversity from development can be adequately compensated for, when it is plain the metrics to judge this do not exist. The final clause of subsection (b) is wholly obscure.

The “exceptional reasons” referred to in paragraph 179 (old 175), subsection (c) are ill-defined beyond “examples”. If these are only examples, what other exceptional circumstances might there be? Once again, “suitable compensation strategy” is neither defined, nor likely to be achievable.

The amendments to paragraph 179 (old 176), subsection (d), refer to “other developments” – it’s unclear if that means simply developments other than one in question or ones whose objective is not conservation or enhancement. The clause “especially where this can secure measurable net gains for biodiversity” should be deleted as these cannot be reliably measured. The phrase “enhance public access to nature” should be qualified with “where appropriate” – public access can, in some circumstances, be extremely damaging to nature.

Q12. Do you agree with the changes proposed in Chapter 16?

It is difficult to see why statues, plaques or memorials should enjoy enhanced protection not enjoyed, say, by other public realm features. If it were decided to include this, then a definition of what is meant by “historic” in this context is needed. When would statues, plaques and memorials not be historic? Would any advertising plaque, for instance, need planning permission for its removal? At what point would it become historic? Gravestones are “plaques” and many of them are extremely historic, so would they be covered by this paragraph?

Q13. Do you agree with the changes proposed in Chapter 17?

The amendment to paragraph 210 (old 216), subsection (f), offers a potential route to opening or reopening quarries at the most unsustainable locations, including the protected areas in subsection (a) – “taking account of the need to protect designated sites” being ineffectual wording.

We are also highly concerned that no comments are invited on the changes to Annex 1. “This page has no questions”, says the online survey. Why not?

Q14. Do you have any comments on the changes to the glossary?

Brownfield land/previously developed land: the proposed minor amendment has failed to clarify the two confused definitions here; they are not synonyms. We would suggest revising both definitions to demonstrate they are different and to remove ambiguities, as follows:

Brownfield land: Land which is or was occupied by a permanent structure (including near-surface subterranean structures and hard standings), but not including the curtilage of the developed land, plus any associated fixed surface infrastructure. This excludes: land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures, land in built-up

areas such as residential gardens, parks, recreation grounds and allotments and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Previously developed land: Land which is or was occupied by a permanent structure (including near-surface subterranean structures and hard standings, but not including the curtilage of the previously developed land, and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings and land in built-up areas such as residential gardens, parks, recreation grounds and allotments.

Housing delivery test: This definition needs to spell out exactly what the Government means by “homes required”. We would suggest “Government-imposed targets” would be a more accurate indication.

Green infrastructure: It is difficult to understand why “prosperity” has been added to the definition. Green infrastructure may deliver economic benefits, but that is not the point of it.