

Division(s):

CABINET – 18 OCTOBER 2011

RESPONSE TO CONSULTATION ON THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Report by Deputy Director (Growth and Infrastructure)

Introduction

1. The Draft National Planning Policy Framework was published by the Minister for Planning, Rt. Hon Greg Clark MP, in July 2011. It sets out to articulate the Government's economic, environmental and social planning policies for England and to provide a framework within which people and their Councils can produce their own distinctive local plans, reflecting community needs and priorities. The policies in the Framework apply both to the preparation of local plans and to development management decisions, on individual planning applications.
2. The document has attracted much public comment and media attention since its publication. This report briefly explains some of the issues which have caught public attention and looks at the issues raised for upper-tier authorities, such as this Council, operating within the two-tier system.
3. The closing date for comments in response to this Government consultation is 17th October, one day before this Cabinet meeting. A draft response has been discussed in principle with the Leader and various Cabinet members and has been sent in order to meet the deadline. The response is at Annex 1 to this report. It makes it clear that the comments which it contains are subject to ratification, and the possible addition of further comments, by Cabinet.
4. This consultation is one of a suite of related Government publications, including the Local Government Resource Review, which is the subject of a separate report to this meeting.

Analysis of the Framework

Sustainable Development

5. The document defines the purpose of the planning system as being to *contribute to the achievement of sustainable development*. In his Foreword, the Minister defines "sustainable" as *ensuring that better lives for ourselves don't mean worse lives for future generations*, and "development" as simply *growth*. The document declares the Government's commitment to ensuring that the planning system does all it can to support sustainable economic growth, and states that *at the heart of the planning system is a presumption in favour of sustainable development*.

6. This new declaration of the purpose of planning has worried some commentators, but the planning system has always, since 1947, incorporated a general presumption in favour of development, and the addition of the word “sustainable” should be welcomed – although the interpretation of *sustainability* will certainly be tested, in the context of individual planning applications, by developers, local communities, and planning committees.

The Plan-Led System

7. The planning system is currently described as *plan-led*, which means that where there is an adopted local development plan, which is up to date, then there will be a duty on local planning authorities to determine planning matters in accordance with their development plan. This duty is not changed by the new Framework.
8. At present, over half of the local (district and borough) planning authorities do not have up to date development plans, the system for producing these (a move away from Local Plans to Local Development Frameworks) having changed during the past decade. The Framework document makes it clear that where a local development plan is absent, out of date, indeterminate or silent on the relevant planning issue, there will be a presumption in favour of granting planning permission.
9. This presumption, that planning permission will be granted in the absence of a current relevant local planning policy framework, has caused consternation in some areas but is designed as a wake-up call for some local planning authorities to ensure that they respond with greater skill and speed to their duty to prepare, on behalf of their communities, a robust local development plan. To do this efficiently, some local authorities may need to have a conversation with Government about the resources available to them in order to handle planning issues effectively, and to have clarity about the period of grace or transition that will be allowed before the new presumptions kick in.

Simplification of National Planning Advice

11. The National Planning Policy Framework is intended, by Government, to replace a very large number of documents giving national planning advice, including Planning Policy Statements, Planning Policy Guidance and Government Circulars, some of which are many years old. In his Foreword, the Minister claims that he is replacing over a thousand pages of national policy with around fifty.
12. Although beloved of planners, lawyers, and some Councillors, the English planning system has developed a complexity and jargon which makes it impenetrable and almost incomprehensible to many people, and although as much as possible is done to make the system transparent, there is much suspicion that a system which cannot be readily understood must be capable of subversion. Business people at all levels, can find the planning system

currently a needless and time consuming bureaucracy, rather than as a means of engaging the community in plans for growth and prosperity.

13. The Government's genuine attempts, via the use of simpler language and the reduction of technical detail, to make the planning system more accessible, chimes in with Government policies on localism and the encouragement of communities to become involved in local planning via neighbourhood plans. This must be welcomed, as greater public involvement in the planning of localities should lead to the planning of better places, and the simplification of national planning advice does not prevent local planning authorities from carrying out detailed technical assessments of aspects of individual planning proposals.

The Natural and Historic Environment

14. Surprisingly, some commentators have interpreted the proposed cancellation of much detailed national planning advice, coupled with the presumption in favour of development where a local policy framework is absent, as implying that the planning system will no longer value nor conserve the natural or historic environment. This is not correct, as the Draft Framework makes it very clear that the natural and historic environments are important and should be conserved and continue to be enjoyed. This process will, however, be assisted by clear policy statements about important natural and historic environments in local development plans.

Local Distinctiveness

15. A criticism of the Draft Framework which may carry more weight, however, is the perception that planning is particularly about large urban areas where people need to have a voice on planning issues. The same is true also of villages and small towns, where communities are increasingly dissatisfied about the poor quality of "anywhere" developments which are appearing in their midst and at their edges, often poorly designed without recognition of local vernacular and characteristics, frequently driven by issues of density rather than compatibility, and which the planning system seems powerless to prevent.
16. The Framework could and should be amended to support and give weight to local planning authorities using their plan making powers, and their role in development management, to ensure that new developments in smaller communities truly reflect local character in terms of design and density, and to support communities wishing to work with the planning system to maintain and improve an attractive local environment.

Issues for Upper Tier Authorities

17. Much of the advice in the Draft Framework is inevitably prepared for district and borough Councils who are the local planning authority which prepares a

local development plan and determines individual planning applications. This advice is coupled with the Government's general desire to involve local people, communities and businesses much more in local planning decision making. From the point of view of an upper tier authority, which provides both strategic overview and co-ordinates the provision of strategic infrastructure, there are a number of additional issues which are raised by the Framework.

18. First of all, it is in this Council's interests for the local development plans of the districts and boroughs both within the county, and immediately outside it, to be written with both local and wider strategic interests in mind, and particularly to be up to date, to avoid the risk of unplanned development. Unplanned development would follow from the absence of an up to date local planning framework, and would risk prejudicing the provision of important cross-county infrastructure.
19. This could and should be emphasised by making it clear that the Duty to Co-operate, a requirement in the Framework for local authorities to work with others in the preparation of local plans when considering cross-boundary issues, must include a requirement to consult with the County Council on matters of strategic infrastructure provision. Indeed this should be extended in the Draft Framework to put a duty upon County Councils and other upper-tier authorities to prepare a Strategic Infrastructure Framework, which should be regularly updated and with which local (borough and district) development frameworks should be able to demonstrate that they comply. The timely provision of infrastructure is key to economic growth and prosperity, and must not be allowed to be thwarted by poor quality or negligent local planning decisions.
20. The incorporation of a Strategic Infrastructure Framework into the portfolio of statutory local planning documents would also serve to remove tensions which currently exist in some places in the context of the Community Infrastructure Levy (CIL), which local government is currently preparing for (for introduction by 2014), where local (district and borough) Councils would be the collection authority for funds, but where expenditure on strategic infrastructure is largely the responsibility of County Councils. Under a system envisaged, with a statutory Strategic Infrastructure Framework, there would be clarity about the nature, timing and funding of strategic infrastructure and communities and developers would be able to transparently understand how and where CIL funding is to be distributed for local and wider benefit. A jointly agreed framework will enable investment opportunities to be agreed on a joint basis and should prevent arguments about the size of slices of the cake.

Responding to the Consultation

21. A response to the Government's consultation has been prepared and is attached as Annex 1 to this report.

Financial and Staff Implications

22. As this is a response to a Government consultation on a draft framework, there are no financial or staff implications at this time, and further reports will be made to Councillors as appropriate when final guidance is issued.

RECOMMENDATION

Cabinet is RECOMMENDED to ratify the consultation response at Annex 1.

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Background papers:

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