

## The Evidence

**Evidence.** The committee noted that many of the national organisations submitting evidence considered it too early to assess fully the impact or to make major changes to the NPPF. Housebuilders wanted no changes. This was in contrast to the large amount of evidence from residents, amenity groups and parish councils which described the detrimental impact the NPPF had on their localities [4]. The committee continued:

*We have been told that, far from delivering development that is sustainable, the NPPF is leading to unsustainable development. People said that sustainable development was ill-defined in the NPPF, that decision makers were giving greater weight to economic over environmental or social considerations, and that sustainable development was not being delivered in respect of infrastructure, renewable energy and the natural environment [6].*

A particular concern is that planning permission is being given to substantial housing developments on the edge of towns and villages, as a result of speculative applications by developers taking advantage of the absence of the local plan and five year supply of housing land. Four Marks parish council, Hampshire told the committee that the parish was “basically under siege” because of an “open season attitude for developers” [7].

**CPRE evidence.** Written evidence: national [1]; Cornwall [2]; Gloucestershire [3]; and Lancashire [4]. Neil Sinden appeared for the CPRE national team [5].

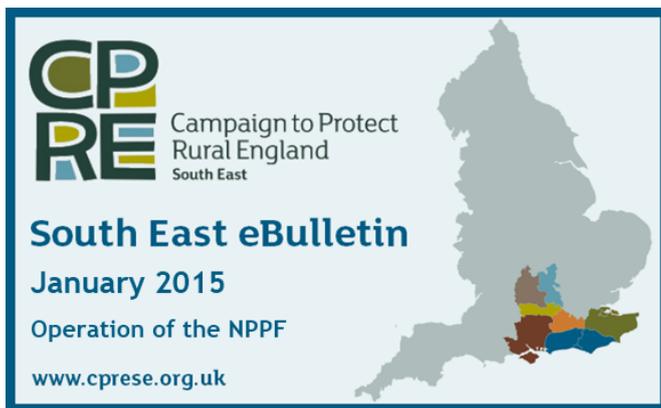
## Sustainable Development

**Definition.** The MPs decided to stick with the **Brundland definition** of sustainable development. They note the NPPF first introduces Brundland and then goes on to say that it is the NPPF text “taken as a whole” that gives the “the government’s view of what sustainable development in England means in practice.” The MPs say this second definition distracts from the Brundland definition. They recommend that it should only be Brundland, not the body of the NPPF, which defines sustainable development in the planning system [11-13].

**Balance.** Evidence to the committee made it clear that the economic dimension often takes precedence over the environmental and social dimensions of sustainable development [14-15]. The MPs recommend that the government “takes appropriate steps” to impress on the planning inspectorate and local government that all three dimensions should be given equal weight:

*Both the planning inspectorate and local authorities, when they make their decisions on planning applications, should set out clearly how all three factors have been considered as part of the decision-making process.*

**Community funding shortfall.** Research suggests that 68% of local authorities will not have community infrastructure levy (CIL) arrangements in place by April 2015. The committee suggests that where this occurs, and a neighbourhood plan is in place, parish councils should demand a share of S106 funding [19]. The government has limited the pooling of S106 monies for infrastructure projects to a maximum of five planning applications. The committee recommends this rule is revoked until the planned 2015 review of CIL [20].



Numbers in brackets refer to paragraphs in the report.

## Improving the NPPF and Planning

**Report.** Shortly before Christmas, the communities and local government select committee published a report on the operation of the National Planning Policy Framework and other aspects of the planning system [1]. The committee’s MPs welcomed the simplification of planning rules and said the NPPF should not be withdrawn. But they voiced concerns that:

*The NPPF is not preventing unsustainable development in some places; that inappropriate housing is being imposed upon some communities as a result of speculative planning applications; and that town centres are being given insufficient protection.*

**Summary.** The committee said its concerns point to the need to strengthen, rather than withdraw the NPPF. The MPs said:

*It would be ill-advised at such an early stage to consider tearing up the document and starting again.*

It is suggesting four main changes: a stronger emphasis on sustainable development; a statutory requirement to get local plans in place; clearer rules and closing loopholes on land supply, backed up by green belt reviews; and greater protection for town centres.

**1. Sustainable development.** The planning system must deliver the sustainable development promised in the NPPF, giving the same weight to the environmental and social dimensions as to the economic dimension. This means approving development only if accompanied by the infrastructure necessary to support it and ensuring the planning system places due emphasis on the natural environment.

**2. Local plans.** Councils must act much more quickly. The MPs want a statutory obligation for councils to get local plans adopted within three years of the new requirement being enacted.

**3. Housing land and green belts.** Loopholes which allow developers to challenge the viability of housing land, undermining the five year land supply, must be closed. Clearer guidance on housing need should be issued. Local authorities “should be encouraged to review their green belts as part of the local planning process.”

**4. Town centres.** The NPPF should give greater protection to town centres. Permitted development rights allowing shops to be converted to homes without planning permission should be withdrawn.

**Infrastructure wanting.** The report records local concerns that permissions are being given to housing development without adequate consideration being of the impact on local infrastructure such as schools, health care, transport and sewerage. East Leake parish council in Hampshire said the size of its village was increasing by 25% but that “infrastructure [was] not being developed apace.” The MPs say that the government should issue guidance reminding local authorities and the planning inspectorate of “the importance of timely infrastructure provision to delivering sustainable development.” In a recommendation that will challenge planning authorities, inspectors and even the secretary of state, they say:

*In setting out the reasons for approving development, decision-makers should fully explain the consideration they have given to its impact on infrastructure and explain how and where they expect the infrastructure to be provided, and to what timetable [16].*

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## Local Plans

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**Warning on slow progress.** Committee chairman Clive Betts issued a challenge to local councils struggling to get local plans in place:

*Councils must do more to protect their communities against the threat of undesirable development by moving quickly to get an adopted local plan in place. The NPPF is designed to work side by side with local plans. At the moment, 41% of local authorities do not have an adopted local plan which is simply not good enough. To put an end to councils dragging their feet on this issue, we call for the government to make it a statutory requirement for councils to get local plans adopted within three years of the legislation being enacted.*

The committee said: “Councils without a plan are letting their communities down” [57]. It says that it is even more worryingly that only 21% of planning authorities have adopted their local plans since the introduction of the NPPF. MPs said they were frustrated that ministers repeatedly issued statements on how many local plans are published rather than adopted (publication is very early in the plan making process) [28].

**Improving progress.** One reason for lack of progress on local plans is cuts to planning staff. The committee says these cuts are wrong:

*Planning is a fundamental responsibility of councils and therefore they should treat planning as a front line service and not see it as an easy target for spending reductions [30].*

**Streamlining plans.** The MPs criticise councils for including too much detail in their local plans.

*We have seen a streamlining of national policy, but there do not seem to have been similar efforts made to reduce the complexity at the local level.*

*The process of producing a plan could be streamlined and accelerated if councils made them more strategic and did not seek to include unnecessary amounts of detail... We recommend that the government amend the NPPF to make clear to local authorities that they should be looking to reduce the complexity and increase the accessibility of their local plans [32].*

**The Inspectorate.** The committee is unhappy with the inflexible way the planning inspectorate deals with local plans. The MPs say they are impressed by the approach taken in Dacorum, where the inspector found the local plan sound despite a 15% shortfall in housing numbers. The agreement was that the shortfall would be addressed in an early review of housing need. [This is also the approach the inspector took in finding alterations to the London Plan sound [\[6\]](#).] However, the planning inspectorate made it clear to the committee that it would be unhappy if the Dacorum approach became a general model. The inspectorate said: “It could not be assumed that a review of housing need would be sufficient to make a plan sound and capable of adoption [33-37].

**Developers.** Developers appear to be targeting sites, especially greenfield sites, outside of the emerging local plan, thereby forcing councils to reassess their allocations. Vale of White Horse council told the committee its emerging local plan was being “undermined by the continuous granting of planning applications.” The MPs recommend that the NPPF is amended to include a section setting out the expected responsibilities of developers. It also wants local government, developers and communities to work together to produce a new “planning users’ concordat” setting out the respective responsibilities of each group [41-42].

**Easing adoption.** The committee wants the government to consult on options for partial adoption of local plans. The MPs say planning inspectors should give earlier advice to councils on housing numbers. Inspectors should also consider the Dacorum approach and agree an early review of housing need where there is an identified shortfall in housing. The committee also wants the planning inspectorate produce a report setting out the lessons learned from the examination of local plans since the launch of the NPPF [37-8].

**Penalties.** The MPs received a mixed reaction to their proposal for a statutory penalty on councils that are late in delivering local plans. Regardless, they recommend that the government consults on a statutory obligation for councils to have an adopted local plan in place within three years of that obligation coming into force. They say the government should also consult on penalties for local authorities that fail to comply with the three year deadline. Penalties might include suspension of New Homes Bonus payments [39-40].

**Joint strategies.** The committee is calling on neighbouring councils to cooperate on developing joint core strategies [46-47]. It also wants the government to place a duty on **combined authorities** to co-ordinate the production of a joint core strategy for the areas they cover [48]. The MPs say the government should consult on penalties for failing in their duty to cooperate with neighbouring councils. It should also introduce clearer guidance on what cooperation entails [44-45, 49].

**Reviews.** The committee says that local authorities are not reviewing their local plans often enough. It wants revisions to the NPPF to make it clear that local councils should review their plans regularly. The MPs ask the planning inspectorate to “develop an expedited process to ensure local authorities can carry out a light touch review of all aspects of their plans” [43].

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## Neighbourhood Plans

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**Affluent plans.** The committee says it is supportive of neighbourhood plans but worries that they are mainly underway in affluent areas [50-51.] It says:

*It is important that neighbourhood planning does not become the preserve of the middle class. We recommend that the government take steps to promote and support neighbourhood planning in all areas, particularly those with significant levels of deprivation.*

**Communities vs. developers.** Residents and councils from around the country told the MPs that too little weight is being given to neighbourhood plans in planning decisions. The committee responded:

*Nothing could do more to undermine confidence in neighbourhood planning than for a view to pervade that neighbourhood plans are being ignored in planning decisions [52].*

Developers did not agree and said that too much attention was being given to the plans. The committee's response to this was strongly worded:

*Instead of objecting to policies in neighbourhood plans, house builders and developers should be working with communities to ensure that development meets local needs [53].*

**Local plans come first.** The committee notes that the relationship between local plans and neighbourhood plans is far from clear, particularly when a local plan is put in place after the neighbourhood plan. It is concerned that where neighbourhood plans are produced before the local plan is adopted, they could set lower housing allocations than the local plan subsequently says are needed. The committee recommends:

*The government consult on how the relationship between neighbourhood plans and local plans could be clarified. The consultation should include the option that neighbourhood plans should not be adopted until an adopted local plan is in place.*

**Green belt.** The MPs recognise that because green belt reviews take place at local plan level, neighbourhood plans that propose small incursions into the green belt can be delayed by some years. The committee recommends:

*The government amend paragraph 89 of the NPPF to make clear that development on sites allocated in an adopted neighbourhood plan..., does not constitute inappropriate development [in] the green belt [80].*

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## Housing and Land Supply

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**Five year land supply.** Clive Betts said:

*We must close the loophole that allows developers to challenge the inclusion of sites within a council's five year supply on the grounds of viability. We heard that developers were claiming sites were unviable in order to obtain planning permission on more lucrative sites.*

The committee expressed concern that the five year land supply requirement may be "leading to unexpected and negative consequences" [61]. Currently, sites with planning permission have to be deliverable within five years to count towards land supply calculations. The MPs recommend the government amends the NPPF to make clear that all sites with planning permission should be included in the five year supply of housing land [68].

**Viability.** The committee said it is concerned that the question of viability has become a battleground between developers and local authorities. It wants new planning guidance on assessment of viability. This would consider not only current prices and costs but projections over the next five years, on the assumption that rising prices will make sites more viable. It also wants "open book" transparency on developers' finances [61-67].

**Assessment of housing need.** MPs said they are concerned about the widespread unease surrounding the results of SHMAs: "There can be little reassurance about the SHMAs when two assessments of the same area, apparently based on the same guidance, produce very different results" [69-70]. The committee recommends:

*The government work with local government and the house building industry to revise its guidance on strategic housing market assessments and produce an agreed methodology. Inspectors should then be required to test SHMAs against this methodology.*

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## Brownfield

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**Lack of data.** The committee says it is hard to assess how effective the NPPF brownfield policy has been because the government no longer publishes relevant data. It says more homes should be built on brownfield land but it is not convinced that George Osborne's **local development orders policy** will do enough to stimulate brownfield housebuilding. It wants the communities department to establish a remediation fund for brownfield sites [71-74].

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## Green Belt

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**Evidence.** Neil Sinden for CPRE told the committee:

*"When you take into account additions to the green belt, as well as deletions to the green belt, you are seeing a changing location of green belt, which is hidden by those [England-wide] figures."*

On the test that the green belt should only be altered in "exceptional circumstances", Sinden said that "these exceptional circumstances are no longer exceptional." The British Property Federation wants "a more serious and sensible examination of whether we have got the right green belt and whether [...] we could not sensibly use some of it for meeting some of this housing need." The National Trust said that "communities would be very concerned about big incursions into the green belt" but that "small adjustments made as a part of the local plan are okay" [75-77].

**Green belt recommendations.** The MPs accept the principle of altering green belt boundaries to meet development demands. They say [79]:

*The NPPF is right to say that it should only be altered in exceptional circumstances. Certainly, councils should not look to alter the green belt when making individual planning decisions. This does not, however, mean that the green belt should stick forever to its existing boundaries. Councils should amend their green belts if local circumstances demand it.*

The committee calls for green belt reviews:

*We encourage all councils, as part of the local planning process, to review the size and boundaries of their green belts. They should then make any necessary adjustments in their local plan.*

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## Energy and Natural Environment

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**Windfarms.** Despite complaints from the renewables industry and evidence that Eric Pickles turns down a higher proportion of windfarms than housing developments, the committee said: “We did not find convincing evidence that his decisions had been made contrary to the NPPF” [23]. They did ask the secretary of state to speed up his decision making [24-25].

**Natural environment.** The committee relied on evidence from the RSPB that the policies within the NPPF are “actually very positive towards the environment.” [26]. The MPs warned that if:

*[Local authorities] do not set out clear policies in respect of the environmental aspects of sustainable development, it may be harder to resist the economic aspects taking a more dominant role. We strongly encourage all local authorities to make the natural environment an important theme in their local plans.*

**Ancient woods.** The committee is recommending that NPPF18 is amended to state that any loss of ancient woodland should be “wholly exceptional” and that the government initiates a review on whether more ancient woodlands should be designated as SSSIs [27].

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## Town Centres

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**Centres suffering.** The committee finds the NPPF and government planning policies are not doing enough to ensure the health and vibrancy of town centres. Clive Betts said:

*The internet has revolutionised the way we shop and yet too often the way we plan for our town centres seems preserved in aspic. Planning needs to develop greater flexibility to adapt to changing trends and be sharp enough to offer our town centres greater protection.*

**Permitted development rights.** Although the MPs say that the government’s decision to introduce office to homes conversion rights “was based on sound intentions”, they warn:

*Enabling change of use without planning permission risks undermining the local plan and could lead to the ‘pepper potting’ of shops and housing, making the town centre an unattractive place to visit or, indeed, live.*

They conclude:

*We recommend that the Government revoke the permitted development rights allowing change from classes A1 and A2 to C3 [91-92].*

**Meeting need.** MPs agree with retailers that it is not possible to predict needs 15 years ahead as required in local plans. They want to limit the allocation of sites for retail, leisure, office and other main town centre uses to the first five years of the plan, with reviews of allocations thereafter [90]. The committee also recommends that the government commissions research on how changing retail dynamics might affect planning policy. It also wants a consultation on amending the NPPF to “bring it up to date with modern retail habits” [88]. The MPs warn that local authorities should “take care not to preserve primary retail areas that are too large for modern needs” [89].

**Town centres first.** The sequential test in the NPPF says that town centres should be developed before out of town sites. The committee is critical of the government for suggesting that **research on this test** is “unrepresentative”, while failing to provide its own data. The research by the Association of Convenience Stores suggests that after the NPPF came into force, three quarters of gross retail floor space given permission was located outside of town centres. The committee ask the government to: “

*Take steps to gather data about the operation of the sequential test and the extent to which planning policies, both local and national, are giving sufficient protection to town centres.*

It invites the government to publish this data in its response to the committee’s report [83-84].

**Disaggregation.** Prior to the NPPF, PPS4 said that developers should look at disaggregating big retail sites onto separate sites. Smaller sites are more able to be accommodated in town centres. With the withdrawal of disaggregation under the NPPF, it has “become far too easy to pass the sequential test, particularly for larger schemes” according to Leeds city council. Describing this as a loophole in the NPPF, the committee recommends the government restores the policy on disaggregation [85].

**Needs test rejected.** The committee was persuaded by economist Kate Barker that calls to reinstate the PPS6 “needs test” into the NPPF would be “fundamentally anticompetitive”. The MPs said that the need for retail development should be established at the plan-making stage [86].

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## Monitoring

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**Data.** The committee warns that the government’s reluctance to collect data on town centre and out-of-town development and on the proportion of homes built on brownfield land “creates a risk that the government will be making future policy decisions in the dark” [93-94]. It asks for “a set of data that can be used to monitor the overall effectiveness of the NPPF” [95].

### The CPRE eBulletins

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