

The Chilly Winds of the NPPF

In just three weeks' time, the National Planning Policy Framework comes into full force. No one should have any doubt about its impact. Less than half of local authorities have local plans in place. Many of these do not have the five year plus land supply for housing demanded by the NPPF.

Local plans and housing site allocations have been delayed by legislation changes, abolition of regional plans and council staff shortages. Many local plans are being rebuffed by the Planning Inspectorate which is demanding that housing ambitions match forecast need, even if that tramples over local wishes.

We are already seeing the consequences of the presumption in favour of sustainable development in the NPPF. Planning inspectors are approving greenfield housing developments regardless of whether they accord with the local plan (emerging or adopted) or local wishes. Even where a local plan is in place, inspectors and Eric Pickles are routinely approving developments where the council cannot demonstrate a five year plus supply of housing land. In some counties, planning officers are recommending approval of housing developments that conflict with the local plan, citing the NPPF and fear of appeal costs.

The National Trust is angry. CPRE is calling for the government to delay the introduction of the NPPF to give councils more time to prepare.

But in response to CPRE's analysis of the preparedness of local councils for the NPPF, planning Minister Nick Boles claimed: "CPRE's figures are misleading" because seven out of ten local councils have now published local plans. It is Boles that is being misleading. Publication of a draft local plan offers no protection for landscapes or localism, as a number of recent appeal decisions have shown. Only adoption offers a degree of protection, but very little if the council has yet to identify a five year plus land supply for housing.

One place where ministers and inspectors cannot rule the planning roost is the high court. Mrs Justice Lang this week threw out planning permission for a wind farm that would have trashed the setting of the historic Lyveden New Bield in Northamptonshire. The inspector's arguments were so weak that the government chose not to defend his decision in the court. This will not though save nearby Naseby and Kelmash where a wind farm has been approved by the same inspector using the same flawed reasoning as Lyveden.

Our planning system is rapidly becoming dysfunctional and we are entering an era of unplanning. If we are to protect our precious landscapes, we may well have to have recourse to the courts more often.

Andy Boddington

Most Councils Unprepared for NPPF

Countryside at war over planning law reform

Daily Telegraph front page 7 March 2013

Local plan progress. With the NPPF to come in force at the end of the month, just over half of local authorities do not have local plans or core strategies in place. Analysis by CPRE shows that only 161 out of 336 local authorities have adopted local plans. Of the 175 non-adopters, 77 have published or submitted plans, while 98 have not yet published their local plans. CPRE's Neil Sinden said ministers should extend the deadline to prevent "a rash of damaging development." He called for "another 12 months and ideally 18 months" for councils to get their plans in place. Planning Minister Nick Boles retorted: "CPRE's figures are misleading. Seven out of ten local councils now have published local plans" . The National Trust also called for local authorities to be given more time to agree plans for their area .

Plan status	Number	Percentage
Adopted plan	161	47.9
Published, submitted or found sound plan	77	22.9
No plan published	98	29.2
Total	336	100

Growth and Infrastructure Bill

Amendments. A government amendment to the bill would give developers a three year window to renegotiate the affordable housing requirements of section 106 agreements, where they can demonstrate the commitments threaten the scheme's viability . Another government amendment makes it clear that where councils have a poor record in planning performance, developers will be allowed to submit only major applications to the Planning Inspectorate, not all applications. Baroness Hanham confirmed that councils will be placed in special measures if they "have had 20% or more of their major decisions overturned at appeal, or that have decided 30% or fewer of their major applications within the statutory period" of thirteen weeks .

Fracking. Peers and environmental groups expressed concern at a clause in the bill which would allow commercial and business developments to be treated as nationally significant infrastructure projects. They fear that it will give the green light to fracking in defiance of the wishes of local communities . Planning lawyer Angus Walker suggested that the fears are misplaced .

Telecoms. The Local Government Association warned that proposals to relax planning restrictions on the siting of telecoms infrastructure could open the floodgates to phone masts, as well as broadband street cabinets and overhead cabling, being built in the countryside and near to people's homes . Adam Royle for CPRE said: "This change opens the door to hundreds of miles of new overhead cables, poles and masts in our most beautiful countryside" .

Lyveden New Bield Victory

The case. The high court heard a judicial review against the Barnwell Manor wind farm filed by East Northamptonshire Council, English Heritage and the National Trust [P](#) [BBC](#) [T](#) [C](#). The claimants argued that the turbines threaten precious heritage and the inspector's decision "turns government policy on conservation on its head." The developer challenged the claimant's case but the government decided not to defend its inspector's controversial decision.



The verdict. On Friday in the high court, Mrs Justice Lang ruled that the planning inspector failed "properly to interpret and apply" policies on the setting of heritage sites [T](#) [i](#) [T](#) [BBC](#) [A](#). The inspector had made a fundamental flaw in his reasoning and the consequent conclusions were undermined and invalid. As the judge said: "it is not possible to predict what conclusion the Inspector would have come to if he had correctly applied [heritage law] and the relevant planning policies." Mrs Justice Lang found that inspector failed to correctly the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the act says the "the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In his decision, the inspector had argued that "any reasonable observer would understand the differing functions of a wind turbine and a church or a country house or a settlement." The judge said that this thinking left her "with a substantial doubt as to the Inspector's reasoning and whether or not the Inspector did make an error of law." She said that the inspector should have resolved the question of setting and views from Lyveden and given clear reasons for his finding. The failure to do so meant that it was not possible to determine whether he had made an error of law. He had also failed to apply relevant planning policies, including PPS5: Planning for the Historic Environment. Mrs Justice Lang concluded that "the decision ought to be quashed and the appeal re-considered, in the light of my judgment." Full verdict: [O](#).

The reaction. Developer West Coast Energy said it was "extremely disappointed" at the judgement and suggested that the ruling relates to a technicality [BG](#). Helen Ghosh, the new DG of the National Trust celebrated: "This sets an important marker in the defence of the historic environment from inappropriate development" [g](#) [A](#). Simon Thurley, English Heritage chief executive said "We very much welcomed the Government's earlier concession that the decision lacked adequate reasoning and we now welcome the judgment that the Inspector failed to give proper effect to the statutory duty to have special regard for the setting of listed buildings" [L](#) <#>. Andy Boddington warned: "The Inspectorate needs to raise its game where sensitive heritage landscapes are under threat" [24](#). Friends of the Earth was unhappy with the decision: "It's time to stop tilting at windmills – there are some locations where turbines shouldn't be built, but... we must find space for them in our landscape" [O](#).

Planning in the South East

Regional plans. The South East Plan will be revoked on 25 March 2013. Policy NRM6 on the Thames Basin Heaths Special Protection Area and Oxfordshire Structure Plan Policy H2 concerning the Upper Heyford RAF base will both be retained [O](#) [O](#) [O](#).

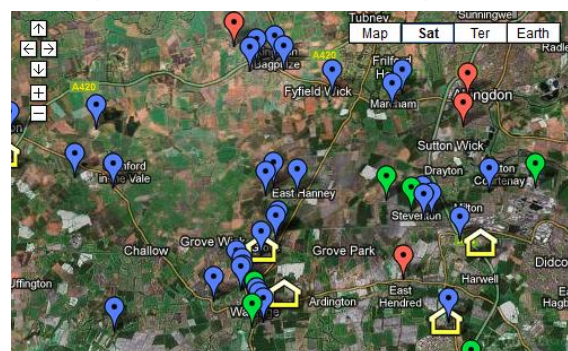
Berkshire. A planning inspector approved 67 houses at Binfield in conflict with local policies because Bracknell Forest Council could not demonstrate a five year housing land supply in accordance with the NPPF [O](#). A planning application to build housing on a brownfield green belt site at Winkfield has been rejected Bracknell Forest Council despite residents supporting the scheme [L](#).

Hampshire. Winchester's Local Plan Part 1 has been found sound by a planning inspector, subject to an increase in housing numbers of 12,500 [L](#) [LG](#) [LG](#) [O](#).

Surrey. CPRE Surrey has launched a campaign to *Save Surrey's Countryside*. Andy Smith said CPRE was most concerned about development around Guildford, Reigate and Leatherhead: "All these towns have expanded to such an extent we have to say enough is enough." [BBC](#) [RE](#) [L](#). Leatherhead-based Wildlife Aid Foundation backed the campaign [L](#). A Surrey farmer lost yet another bid to keep a castle-styled house he built without planning permission behind straw bales [P](#) [A](#) [L](#).






Sussex. Protestors against the Bexhill Hastings Link Road are demanding that the Department for Transport discloses in full the advice ministers were given on the road. A previous freedom of information request uncovered documents that said the road was medium to low value for money but the advice to ministers was redacted [g](#) [O](#). Brighton MP Caroline Lucas has tabled a Parliamentary Question asking for the information [f](#). The Eastbourne Core Strategy Local Plan has been adopted [LG](#).




Oxfordshire. Nick Clegg announced that Oxford will be funded under the second wave of City Deals [L](#) [O](#). Mike Tyce of CPRE Oxfordshire condemned the Deal: "It is hard to see this as anything other than a major outward expansion of the city, as the city council has long been planning. This seems like passing control of a large swathe of Oxfordshire and its residents from the control of elected councils to an unelected quango" [L](#) [RE](#). The [Oxfordshire Strategic Planning and Infrastructure Partnership](#) has commissioned a report on the county's housing needs. Oxford City Council is hoping that it will identify the need for housing on the green belt [L](#). Campaigners in Oxford think a breakthrough may be close in a battle over student accommodation that is set to overshadow the historic Port Meadow [RE](#). The Vale of White Horse has published its draft local plan for consultation. Closes 9 May [LG](#) [RE](#). CPRE Oxfordshire says that a land grab by developers in the Vale is threatening the integrity of the ancient village of Great Coxwell near Faringdon [RE](#).






Planning applications in the Vale of White Horse [RE](#)










Planning


Garden cities. The TCPA has republished Norman Macfayden's 1940 seminal pamphlet, *Health and Garden Cities*. The association says the garden city principles, which can be applied to development projects of different scales, hold the key to creating healthy and vibrant places for people to live and work   . CPRE joined with an alliance of civic, environmental and transport bodies to campaign for a "smart growth" approach for new large-scale development. The alliance says that plans for garden cities will take planning in the opposite direction  .



Local plans. The Planning Advisory Service has published a crib sheet on the Duty to Cooperate in local plan making . A study for Bradford council, which aims to build in the green belt, has found that regional housing targets for the city are too high . Bath and North East Somerset council's new draft local plan is proposing building nearly 2,000 homes in the green belt .










Design. The Design Council has published its response to the Taylor Review of planning guidance. It cautions that it will be "a mistake simply to justify cancelling design guidance as it is well understood or that it is common practice. Instead this suggests that present guidance is working and there is a serious risk that cancelling existing guidance without issuing a replacement will undermine objectives set out in the NPPF" . Planning minister Nick Boles again urged the public to "kick out ugliness" .




NPPF and heritage. The Institute of Archaeology has published a series of papers reviewing the impact of the NPPF on heritage. The authors lament that "there is no longer a presumption in favour of conservation of heritage assets as there was under PPS5." They warn of an "archaeological time bomb" whereby if councils do not have policies for the historic environment in place in local plans by the end of the month, "then serious harm will undoubtedly come to archaeology" .

Five year land supply decisions. A lack of five year land supply and an out of date local plan led to a high court judge backing a decision to build 1,000 homes outside Tewksbury. Legal experts said the case sets a precedent that NPPF-compliant developments have the weight of the law behind them where there is no local plan   . Plan-It-Law commented: "Towns and cities with closely guarded green belts will be looking at this decision with a good deal of interest since the arguments on exceptional circumstances can be equally applicable there" . Eric Pickles granted planning permission on appeal for two development proposals for 289 homes at Tetbury, Gloucestershire, saying that a lack of five year supply overrides the damage to the Cotswolds AONB and the conflict with the council's development plan  . Eric Pickles also said he is minded to approve a housing scheme in Sandbach against the recommendation of a planning inspector, as Cheshire East has not identified a five year supply. The council is seeking legal advice on the move  . Eighty homes outside the residential boundary at Stafford have been approved by a planning inspector citing lack of five year land supply .


Gypsies and travellers. Planning minister Nick Boles instructed councils to allocate enough land by March 27 to cover traveller sites requirements for the next five years .

Neighbourhood funds. The government has issued draft regulations for giving part of the community infrastructure levy to parishes that accommodate development  .








Neighbourhood plans. Eden District Council in Cumbria ran the country's first neighbourhood plan referendum last week. In a turnout of 34%, 90% of voters were in favour of the plan  . An independent inspector has examined and agreed that the Thame neighbourhood plan can go to referendum, subject to minor modifications  . The communities department has published a map of neighbourhood plans in progress. More than two hundred neighbourhood plan areas have been designated . Professionals and communities are discussing the practicalities of neighbourhood planning on LinkedIn . The Planning Advisory Service has published advice for local authorities supporting neighbourhood plans . Draft government regulations reveal that businesses that wish to vote in a neighbourhood planning referendum in a business district will have to register before casting their vote. Neighbourhood plan referendums will also be able to hold alongside other elections, if the dates are close  .







Enterprise. Ministers are inviting enterprise zones to apply for funding from a £59m pot to help "turn shovel ready sites into job ready sites" by completing key infrastructure projects  . In a letter to chancellor George Osborne, South East LEP chair John Spence said he was alarmed by "recent news reports [which] have suggested that as little as £5bn may be included in any single pot" funding for the LEPs. Michael Heseltine has proposed devolving £49 billion from central government to the LEPs single funding pot .

Right to light. The Law Commission is proposing changes to the right to light to make development easier and potentially allowing new buildings to overshadow existing homes and offices    . Closes 16 May .









Noise. The Noise Abatement Society and insulation manufacturer Rockwool are calling for minimum national standards of noise protection in buildings and a new Quiet Homes Standard to identify quieter homes and commercial and public buildings .








Housing

Housing supply. National statistics on house building in England for October to December 2012 show that annual housing starts in 2012 were 98,280, a fall of 11% compared to the previous year. The government no longer publishes the data by region  . Inside Housing said that English councils will fall almost 30,000 homes short of meeting housing need each year once regional strategies have been abolished. The South East will fall short by around 9,000 houses a year (North East: -544; North West: +1,795; Yorkshire & Humber: -6,357; East Midlands: -316; West Midlands: -1,355; East of England: -13,063; South East: -8,940; South West: -3,674; London: +2,930) . An Ipsos MORI poll revealed that 80% of the British public agree there is a housing crisis, but only 44% think there is a crisis in their local area    .

South East. West Berkshire Council has launched a Call For Sites as part of its Site Allocations and Delivery DPD. It is seeking sites for developments of between 10 and 500 homes to contribute to the Core Strategy to build 10,500 houses by 2026  . A controversial development of 1,400 houses on a golf course at Boorley Green, Eastleigh has been granted outline planning permission  . Protestors are mooting a legal challenge to the decision . A housing association is proposing a garden neighbourhood on more than 350 acres of farm land to the east of Langley and Otham, near Maidstone in Kent. Kent County Council said it would not support the scheme which would "raise strong objections of intrusion into Kent's precious countryside" .





Town Centres and Services









Rural services. Communities under-secretary Brandon Lewis told the House of Commons that more support will be given to rural areas. “We are going to do more to support rural areas and manage the extra costs of delivering services in those areas.” He announced that £8.5m will be given to rural authorities that can show they are making their operations more efficient by sharing services, management and by handling assets more effectively      . Residents in the South Downs National Park are campaigning to save the Lickfold Inn, a listed build that they fear is falling into ruin  .



Portas Pilot pilloried. In a series of critical articles, *The Grocer* lamented the lack of progress of Portas Pilots. The magazine claimed that the government is stalling over awarding a £1.25 million contract to oversee and review the pilots. Some of the pilots have spent very little of the £100,000 awarded a year ago. The new **Future High Streets Forum**, which many see as supplanting the pilots, has yet to agree a date for its first meeting    . The Independent reported that Portas Pilots have spent just 12% of the £1.2m awarded in May 2012 and Amol Rajan asked: “Who on earth actually thinks Mary Portas is the solution to the crisis on our high streets?”  . In the Guardian, a Rochdale shop owner complained that the government is treating the pilots as little more than a public relations stunt and that town halls are frittering money away on consultants . For a more positive view of the Portas Pilots, see .

The high street. Shop vacancies in town centres continue to grow; 1,779 more stores closed than opened in 2012  . Residents of Sherborne in Dorset are fighting against plans for a Tesco superstore   .




Food and Farming



Farming. Around one in five NFU members are producing wind or solar energy as farmers seek to generate new revenue . A year ago, Defra set up an Implementation Group to help implement many of the recommendations of the Farming Regulation Task Force. The Group has now warned Defra that: “Farmers have yet to see many of the positive outcomes... and a lot of frustration remains on the ground” . CPRE’s Graeme Willis said in a letter to the Guardian: “Until government policy starts to support greater retail diversity, supermarkets must assume the main responsibility for paying food producers a fair price that takes into account the cost of production to give British farming a future” . After drought and floods, farmers have declared that 2012 was a disastrous year for them .

Horsemeat. Part of the meat industry plunged into crisis after horsemeat was discovered in supermarket burgers and ready meals. Environment secretary Owen Paterson pledged that more stringent tests will be carried out in future . He said horsemeat scandal is a “fantastic opportunity” for British farmers to persuade consumers of the high value of their products  . Tesco took out newspaper advertisements to pledge that it would only source meat from the UK and Ireland in future  . In the wake of the scandal, attention is turning to food labelling and regulatory arrangements for food safety  . The NFU launched a *Great British Farmers, Great British Food* campaign .

Industrial farming. A public inquiry is underway into a mega-dairy in Powys . The farmer had previously proposed clearing an entire farm of its hedgerows at Chirbury in nearby Shropshire .






Landscapes



Inspirational landscapes. An appeal court decision has paved the way for housing to obscure views from Abbas Hall in Suffolk, from where Sir Thomas Gainsborough painted Cornard Wood. It is just one of a number of famous landscapes currently endangered by development . The moorland at Haworth that inspired *Wuthering Heights* has been saved from the blot of a wind turbine  .

Sussex. Brighton and part of the South Downs National Park could be designated as a UNESCO Biosphere Reserve  .









Area of proposed Biosphere Reserve (larger image)

Biodiversity. Natural England is to survey great crested newts with the aim of developing a model of populations in different habitats and speeding up the planning process . Ash tree dieback continues to spread with new sites being identified in Wales . Professor Michael Shaw said the spread of the disease showed that the UK needs “funding structures which support the cutting-edge of research [and a] trade policy that accepts responsibility for the risks to which it exposes society and the environment” . Defra announced that the badger cull will definitely go ahead this summer . Scientists found that growing wildflowers on non-crop buffer strips of grass increased spider numbers, which feed on crop pests like aphids .

Light pollution. Prime Minister David Cameron has backed local concerns about light pollution from tennis courts at Lyneham in the Cotswolds AONB. The scheme was approved by the Planning Inspectorate and Cameron promised to take up the matter with the Eric Pickles, so more “safeguards are possible” and there is “more local control so you decide in your community” . The Brecon Beacons National Park has become the fifth location in the world to be granted International Dark Sky Reserve status .

Transport

High Speed 2. Secretary of State for Transport Patrick McLoughlin announced that plans for a Paving Bill for HS2 will be included in the Queens Speech this May. This surprise move will speed up approval and delivery of the line . The Daily Mail reports that the environmental impact assessment report for High Speed 2 will total 50,000 pages and consume ten trees a copy .

Roads. The DfT is proposing changes to strategic road network policies that would permit “sustainable development” including extra motorway service stations. The plans include lifting the restrictions that apply to the size of the shops and the abolition of the 12-mile minimum distance between service stations    .

Cycling. Speaking to the Get Britain Cycling inquiry held by the All Party Parliamentary Cycling Group, Ralph Smyth of CPRE called for lower speed limits on rural roads and highlighting the Dutch speed limit of 50kph on country roads [O](#). Writing in the Guardian, Ralph said: “We need the roll-out of rural cycling as much as we need rural broadband – so why is there currently so little ambition?” [g](#).

Aviation capacity. A group of MPs and council leaders has urged transport secretary Patrick McLoughlin to bring forward the report of the Davies Commission on aviation capacity in the South East. The Department for Transport responded: “We do not believe that a rushed decision can be a solution” [BBC](#). Boris Johnson has appointed a team of consultants to assess the proposed multi-runway hub airport projects for the South East [PP](#).

Wind Energy

Buffer zones. A legal challenge against a Milton Keynes council planning policy which imposes a minimum distance between wind turbines and homes has opened at the High Court. RWE Npower Renewables, which plans two wind farms in the area, claims the buffer zone clashes with national guidance and has not been through the correct statutory process [BG](#) [P](#). Cornwall Protect has written to local councillors asking them to end the county’s “exaggerated priority” for renewable energy [CPRE](#).

South East. Galliford Try Renewables has reduced its plans for a wind farm near Polegate, Sussex from five turbines to three [L](#). Energy secretary Edward Davey has given permission for Vattenfall to expand its Kentish Flats offshore wind farm from 30 to 47 turbines [L](#) [O](#) [G](#) [P](#). This was the first wind farm approved under Planning Act regime for nationally significant infrastructure projects [P](#). Kent News reported on fears “that unspoilt parts of Kent could become covered with massive wind turbines” [L](#). Ecotricity has been ordered to stop using an advertisement that claimed that its proposed windfarm at Sellindge, Kent would not affect house prices [L](#). A retired scientist is claiming the photomontages of the wind farm underestimate the true height of the turbines of Navitus wind farm off the Dorset coast [L](#).

Roundup. Scientists from Aberdeen University say that wind farms on peat lands will probably not reduce carbon emissions because they will destroy carbon-storing peat. The researchers “suggest that the construction of wind farms on non-degraded peats should always be avoided” [T](#). The Scottish government being urged to create a national plan to protect wild areas from wind farms [BBC](#).

Energy, Waste and Water

Smart use. Householders will be encouraged to use appliances like washing machines when electricity is cheapest, if a trial of “day ahead electricity alerts” is successful [T](#).

Fracking. The last eBulletin quoted figures of shale gas capacity in the UK from *The Times*. Brenda Pollock has pointed out that that these figures are the total capacity, not what could actually be realistically extracted; see [O](#). PwC said that worldwide extraction of oil through “fracking” could drive down global oil prices, boost the UK economy and threaten development of renewable energy [LES](#) [BG](#).

Incineration. Waste consultant Eunomia estimates that unless the UK dramatically increases the amount of rubbish for incineration, there will be insufficient material to burn when the new plants open [i](#). With this in mind, Defra has withdrawn private finance initiative credits from three incinerators in Merseyside and Yorkshire [L](#) [BG](#). Defra has published *Energy from waste: a guide to the debate*. It is a guide to the technology, not the controversy [G](#). The public inquiry into the King’s Lynn incinerator has opened [BBC](#) [L](#).

Nuclear. The government is offering power companies contracts guaranteeing subsidies for up to 40 years [BG](#).

Coal. Didcot power station is to close on 22 March. Andy Boddington told the BBC the closure was “good news”. He said: “It’s polluting, it’s contributing to climate change, and it’s time we moved away from coal. But there’s something about those towers that is just part of South Oxfordshire. I think it’s a fantastic sight. They provide an aesthetic interruption to that clay vale” [BBC](#).

Solar. CPRE Devon is calling on Torridge district council to give closer scrutiny to solar farms proposals after the area was inundated with applications [L](#).

Campaigning

National Trust. The Sunday Telegraph interviewed the National Trust’s “formidable” new chief executive, Helen Ghosh. She said that the Trust’s battles on planning and environmental matters will not diminish under her leadership, including action over the Giant’s Causeway, Lyveden New Bield, and maritime conservation zones [T](#). Dame Ghosh told the Times that a wind turbine in the right place is a rather beautiful thing” [T](#).

Sussex. “My mum is worried. An arrest for public disorder could be a big setback for a girl’s career don’t I know.” Student Alex writes as the Conflicted Environmentalist on CPRE Sussex’s new blog [CPRE](#).

The eBulletins

CPRE South East eBulletin is written and edited by Andy Boddington. To receive a regular copy or to alert me to news, please email cprenews@andybodders.co.uk. Views expressed in the eBulletin and its editorial approach are those of its editor and not any part of CPRE. CPRE London eBulletin [CPRE](#). CPRE Buckinghamshire eBulletin [CPRE](#).