



Campaign to Protect
Rural England
South East

CPRE South East eBulletin

The Progress of Localism: July 2012

Localism? Not While Regional Strategies Exist

Localism began in earnest when the Localism Act became law on 15 November 2011. How has it progressed? The NPPF came into force at the end of March. Is it having an impact? Councils are racing against time to get their local plans in place before the presumption in favour of sustainable development bites hard next Spring. How are they faring? Planning inspectors have been told to show greater respect for local decisions. Are they doing so?

In this special edition of the eBulletin, I look at the progress of the localism project. The analysis and commentary on local and neighbourhood plans is based on freedom of information requests, local authority websites, emails and general pestering of government officials. I also review a number of recent appeal and call-in decisions asking whether anything has changed.

Unfortunately neighbourhood planning has got off to a mixed start. Several councils I contacted are unenthusiastic about the changes. Their officers have become accustomed to negotiating and sometimes dictating what is best for neighbourhoods, not trusting communities to plan for themselves. But other councils are adopting the new ways with enthusiasm, many seeing it as a way to allocate housing to communities (for example, [West Dorset](#)). There are also encouraging signs that devolving power will encourage communities to accept new housing: only 8% of respondents to a [consultation](#) conducted by the Royal Borough of Maidenhead and Windsor said that their neighbourhoods should have no housing development at all.

My general impression, and at this stage it can be no more than that, is that the NPPF has sharpened the focus and implementation of planning appeals. It is proving simpler to cite and planning inspectors seem to be making clearer decisions as a result.

Although the Coalition promised to abandon top-down housing targets, they remain embedded in regional strategies and these strategies have as much force in planning matters now as they had three years ago. The government has failed to abolish them and has no clue when it might do so. Until it acts, all local plans hoping to be found sound must conform with regional targets and policies, including those for housing and renewable energy. This fossilises regional targets in local plans. Worse, because neighbourhood plans must be in general conformity with local plans, regional targets will soon become embedded in these too. Will communities be happy implementing discredited regional targets? I doubt it. Confidence in localism will evaporate unless regional strategies are abolished quickly.

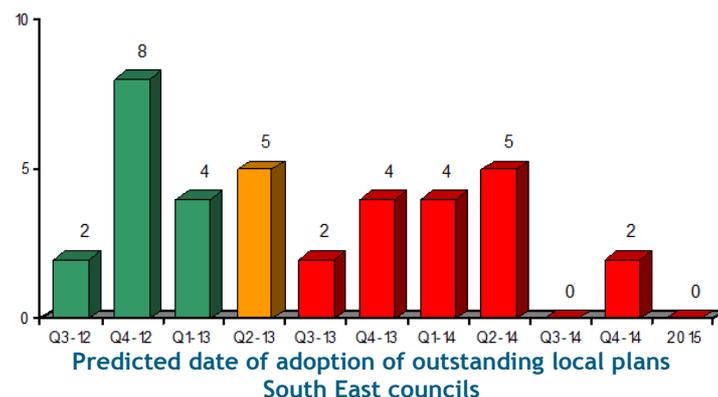
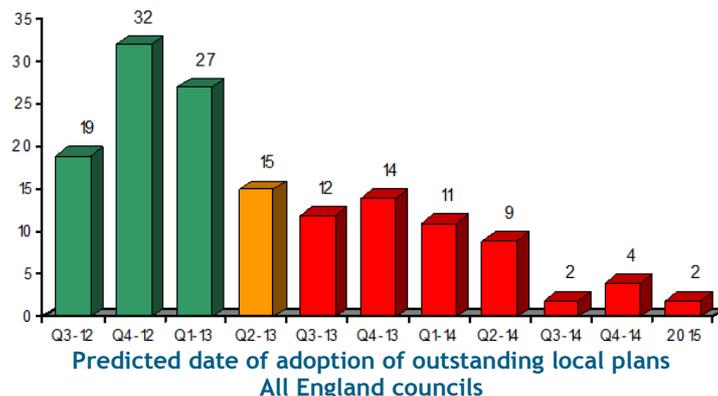
Andy Boddington

Local and Regional Planning

Abolition of Regional Strategies Delayed

The delay. Regional strategies were originally revoked on 6 July 2011, and a [letter to planning authorities](#) made clear that they were no longer had any policy weight. Legal action led to the reinstatement of regional strategies as material planning considerations: “For so long as the regional strategies continue to exist, any development plan documents must be in general conformity with the relevant regional strategy” ([Cala Homes judgment](#), paragraph 24). Following the legal action, the government conducted a belated assessment of the [environmental impact of revocation](#). Last October the communities department [predicted](#): “we expect the orders revoking the existing Regional Plans to take effect next Spring.” Well Spring came and went, and in May Local government minister Bob Neill [told the Commons](#): “it remains our intention to lay Orders in Parliament to [revoke], subject to the outcome of the environmental assessments process, which is ongoing.” The communities department told the eBulletin on 12 July that due to the continuing environmental assessment it is “not possible even to give an indication or clue of the date” of revocation. That regional strategies remain very much in force has significant implications for planning.

Implications - local plans. Local plans still being developed must be compliant with regional strategies, or they will be unsound. The Central Lancashire [core strategy](#), for example, was [recently found sound](#) only after an increase in housing ambitions to align with those in the North West of England Plan. If abolition is delayed by a further six months, around 51 local plans will risk being found unsound unless they comply with regional strategies – including their housing and renewable energy targets. If revocation is nine months away, this rises to 78 local plans (below).



Implications - planning permission. Regional strategies are still being used as a basis for planning decisions. In three recent call-ins, Eric Pickles has ignored the intention to revoke: “The Secretary of State considers that the revocation of Regional Strategies has come a step closer following enactment of the Localism Act on 15 November 2011. However, until such time as the... Regional Plan is formally revoked by order, he has attributed limited weight to the proposed revocation in determining this appeal” ([Leicestershire incinerator](#); [North Yorks Moors gas plant](#); [Wokingham housing](#)).

Local Plans and Core Strategies

Local planning speeding up? The view of the government and Planning Inspectorate is that the logjam of local plans is easing. In mid-June, the [Inspectorate said](#) there are 47 authorities that have produced but not yet submitted local plans, and it has so far seen 14 since the NPPF was published. On 3 July, Minister for Decentralisation and Cities, Greg Clark [told the Commons](#):

The national planning policy framework and the Localism Act provide the basis for a radically improved planning system and there is clear evidence that they, and the earlier written ministerial statement on planning for growth, are already delivering results. We are seeing the rate of local plan adoptions rise – 37 plans have been adopted in the last 12 months, compared with less than 60 adopted in the six years before the 2010 general election.

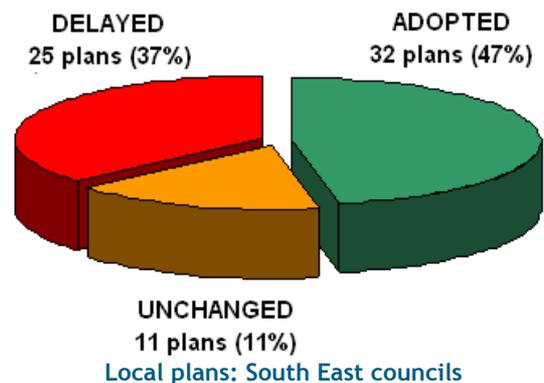
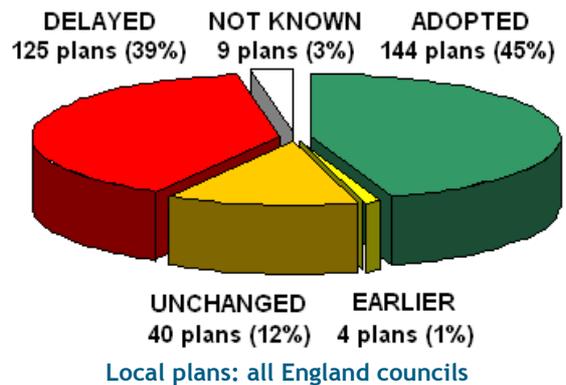
Local planning slowing down? Research for the eBulletin, however, shows that 39% of councils across England have extended their local plan timetables since September last year (37% of councils in the South East). The average delay to adoption of the local plan is 11 months (13 months in the South East). Plans are being held back by:

- ☐ the complexity of planning and consultation processes
- ☐ the need to take formal account of the implications of the NPPF (for example, [Croydon](#) is consulting on this)
- ☐ the delay in abolishing regional strategies.

Mid Sussex is delaying its local plan until the South East Plan is abolished: “Legal advice has... confirmed that if the Council submitted the District Plan before the revocation, it would need to be in conformity with the South East Plan. Since there is a clear difference between the housing requirement of the draft District Plan of 10,600 homes and the South East Plan’s requirement of 17,100 homes it would be very difficult to demonstrate conformity” ([MSDC Press](#); [Committee](#)).

Adoption after transition. Across England, 54 councils will adopt their local plans more than three months after the NPPF transition period, which ends in March 2013 (17 councils in the South East). These local authorities in particular risk developments under the presumption in favour of sustainable development, especially if they cannot demonstrate a five-year-plus supply of available housing land. In Fylde, Lancashire, for example, the council’s rejection of housing at Lytham St Annes was in part overturned by its “core strategy [being] nowhere near consultation stage; it simply does not even begin to exist as a document or, indeed, a concept” ([Decision](#)).

Older core strategies reviewed. Eleven councils have core strategies that pre-date the South East Plan. Three are already reviewing their plans: Ashford, adoption expected September 2013; Bracknell Forest, March 2014; and Horsham, no date.



(Number adopted and timetable change for non-adopted since September 2011. Sources: local authority websites, CPRE)

Housing targets reduced. Thirty-six councils in the South East have yet to adopt their local plans. Of these, 16 councils are following the housing levels in the South East Plan (SEP) and one (Eastleigh) has increased its targets above that of the SEP. Fourteen councils are proposing housing targets below those in the SEP; instead of 9,090 houses per annum, these authorities are planning an annual delivery of 6,480 houses, a reduction of 29%. *Milton Keynes.* “The Council’s position is that this level of provision is sound, based on consideration of the full range of factors [and] the significant change in circumstances that have taken place since the South East Plan was prepared” ([core strategy examination](#)). *Rother.* “This assessment concludes that the South East Plan requirement... is no longer sustainable” ([submission core strategy](#)). *South Oxfordshire.* “We have decided to continue with the housing delivery targets that were set out in the South East Plan. These were based on robust demographic projections and economic forecasts for the county alongside assessments of the levels of growth that could reasonably be accommodated” ([submission core strategy](#)).

Will reduced targets hold? Councils may find lower housing targets challenged unless their evidence is robust. West Berkshire’s core strategy was recently found sound and incorporated the 10,500 total from the South East Plan. But the inspector noted that analysis of housing requirements suggested a higher total and insisted on a review within the next few years ([Andrew Lainton](#); [West Berks](#)). Test Valley commissioned consultants to examine the impact of demographic trends, economic activity and the scale of housing need in the Borough. This, with the Strategic Housing Market Assessment (SHMA), the Strategic Housing Land Availability Assessment (SHLAA) led to the same annual provision as the SEP ([draft core strategy](#)).

Neighbourhood Plans

Community localism rights. The government has rebadged the various localism rights as a “package of rights” ([Community Rights](#)). The four rights are:

Right to Plan: gives communities say about what can be built in their area through neighbourhood plans and development orders.

Right to Build: gives communities the right to build small-scale, site-specific projects without going through the normal planning application process ([H&CA](#)).

Right to Challenge: gives communities the right to bid to run local council or fire and rescue authority services where they think they can do it differently and better.

Right to Bid: gives communities the right to bid to buy and take over the running of local assets that are important to them; this right is expected to come into effect in autumn 2012.

Neighbourhood Planning

Frontrunners. At the end of 2010, the government launched the first of five waves of frontrunner neighbourhood plans, providing £20,000 for each project. The government has also funded advisory services – including [CPRE with the National Association of Local Councils](#) – and local authority support for localism. The frontrunners scheme funded 235 neighbourhood plan and neighbourhood development order projects. Most are new projects, but some were already underway:

The Faversham Creek Plan started out as an area action plan and has been transferred to the Neighbourhood Plan scheme led by Faversham Town Council. Without the frontrunner scheme, a non-statutory or Supplementary Planning Document Plan approach would have been pursued. “However, these approaches would lack the statutory weight to allocate land and make planning policy and consequently be of limited weight in determining planning applications or at appeals. The planning objections for Faversham Creek have been deemed to require a more robust and comprehensive approach offered by a Development Plan Document or Neighbourhood Plan” (Swale Borough Council).

Costs and take-up. The neighbourhood plan [impact assessment](#) estimates average costs at £20,000 to £86,000 per plan, and this seems much in line with experience so far. The government is anticipating that 5% of England’s estimated 7,618 neighbourhoods would take part in the first year rising to 55% overall coverage by 2022. In addition to the frontrunners, there are dozens of neighbourhood plans in progress or being planned. Mid Sussex District Council, for example, has eight frontrunners and has received applications for the designation of Neighbourhood Plan Areas from 17 town and parish councils ([MSDC](#)). There are concerns about how neighbourhood plans will be funded and supported beyond the frontrunner scheme. One council said:

There are a number of other parishes that have expressed interest in pursuing a neighbourhood plan even without upfront government funding. The resource implication for planning authorities is interesting especially given these times of constraint.

2012 regulations. The [Neighbourhood Planning \(General\) Regulations 2012](#), which set out the main requirements and processes for neighbourhood plans and development orders, were issued in April this year. Most of the frontrunner projects were underway by this point and there has been a degree of confusion and delay as a result. Many projects are now having to go back a couple of stages to get their neighbourhood areas and forums approved under the 2012 regulations. One council commented: “The legal position as to whether a plan which commenced prior to the date the regulations came into force can be a formally constituted neighbourhood plan, may need to be considered.” Another described the process as “shoe-horning [projects] into 2012 regs.” A third said: “I have been informed informally [by] an officer of the CLG recently that the provisions of the Neighbourhood Planning (General) Regulations will have to apply retrospectively.” Councils are taking different routes to regularising their frontrunner projects:

In Milton Keynes, the Lakes Estate Steering Group was formed to take forward the neighbourhood plan rather than Bletchley and Fenny Stratford Town Council. But the 2012 Regulations placed town and parish councils in control of neighbourhood planning and the town council is expected to take control of the process shortly.

In Uppingham, the frontrunner was business led, but the regulations say that businesses can only lead the process in unparished areas. As a result the town council is taking over the neighbourhood plan.

In Wirral, the introduction of the regulations has required a second consultation on area designations and forum constitutions.

In Cokermonth, a community planning a Neighbourhood Development Order (which confers planning permission) has had to submit a retrospective application to Allerdale Borough Council in order to be recognised as a neighbourhood planning group.

One in five frontrunner neighbourhoods have not yet decided whether to follow the 2012 regulations or to take another route.

	Total	2012 regulations	Other process	Not known or not decided
England	234	175 (75%)	22 (9%)	31 (13%)
South East	62	53 (86%)	0	8 (14%)

Frontrunner neighbourhood plans (source Fol requests)
Information is not available for all plans

Non-regulation plans. Nearly one in ten frontrunner neighbourhood plans are not being brought forward under the 2012 regulations. Although labelled neighbourhood plans and often trumpeted as trailblazing the Localism Act, they touch no part of this legislation and are no more than the previous council-led planning system rebadged. They comprise various forms of village plans, supplementary planning documents and area action plans under the pre-localism local development framework process. As such, they could have been brought forward at any point since 2004 – and many similar schemes were – and tell us nothing about neighbourhood planning in the era of localism. Moreover, these plans are not subject to referendums, the ultimate test of whether a plan is what the community wants or what a council thinks is best.

Non-regulation plans (continued).

The Town strategies we are preparing will contribute to the completion of our own local plan – so they are not true neighbourhood plans. That said, they are prepared in accordance with neighbourhood planning principles in an effort to get a genuine local perspective on key development issues. The town strategies are not expected to go to referendum. The hope is that if we prepare a local plan that reflects local people’s needs and priorities their will actually be no urgent need for a true neighbourhood plan (Cheshire East).

We have come up with a solution that, yes, falls short of being a Neighbourhood Development Plan but which will nevertheless be the product of community ambition, and which through our innovative Place Plans will be jointly owned by both [communities] and Shropshire Council in trying to make those ambitions become reality.

Funding non-regulation plans. Questioned on why the government was funding plans that do not use the provisions of the Localism Act, the communities department provided the following statement:

Neighbourhood planning is a flexible tool which gives communities the opportunity to have their say over development in their local area. It is up to local authorities and communities to decide how to use the neighbourhood planning provisions set out in the Localism Act 2011. Some groups may choose to use the legislative provisions in full. Other groups may utilise some legislative provisions but then take forward a neighbourhood plan through other means, such as a village design statement.

Council & community roles. The Localism Act imposes a duty on councils to support the neighbourhood planning process but the degree of council involvement varies greatly. Some councils are controlling the process in a hands-on, even heavy handed way. Others are remarkably laissez-faire and seemingly barely aware of their duty to support communities in neighbourhood planning. One South East council with frontrunner funding said that it is “currently only aware of one group promoting a neighbour plan but they are at a very early stage and it is not clear who is leading this group.”

Abandoned plans. Some communities have found the challenge too daunting and a handful of plans have been abandoned.

Three Bridges, Crawley was selected as a frontrunner but “due to the foreseeable costs (well over £20K) and the likelihood that three members would have to dedicate 2 days per week for the next 2 years to the project”, the parish council decided not to proceed.

Neighbourhood plans and local plans. The NPPF is clear that neighbourhood plans are subservient to local plans:

“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan” (NPPF184).

One-third of frontrunners are in local authorities that have an adopted local plan (33%; 18% in the South East). For the others, the neighbourhood plan process will be in tandem with the local plan. There is no doubt that this will sometimes lead to conflict between the wishes of communities, the ambitions of district and unitary councils and the dictates of regional plans. The Dawlish frontrunner in particular has raised concerns about the relationship between neighbourhood plans and local plans:

Although widely touted as the first ‘neighbourhood plan’ to be examined, the Dawlish plan was brought forward by Teignbridge council under pre-Localism Act legislation. An independent examiner recommended that the plan should not proceed largely because it was submitted before local plan policies on housing had been determined (SJBerwin; Lainton 1; Lainton 2; Aaron&P).

Sherborne town council started preparative work on the neighbourhood plan in January 2012. But the council takes the view that the housing allocation West Dorset, Weymouth and Portland Local Plan is excessive, given the need to retain the town’s historic character. The council has suspended work on the Neighbourhood Plan while it prepares an “evidence-based critique of the Local Plan”.

“The Hetton Downs neighbourhood plan is not currently being progressed pending resolution of ongoing issues regarding housing renewal and highways infrastructure in the area” (Sunderland Council).

Henley-on-Thames is calling for South Oxfordshire to put major developments on hold until its neighbourhood plan is complete (Henley Standard 1; Standard 2; Out-Law).

Referendums. The neighbourhood planning process ends with a referendum at which the neighbourhood plan, neighbourhood order or community right to build order is approved, if there is a simple majority. The government published draft regulations for the referendums (Planning Portal). The questions for neighbourhood plans will be: “Do you want [local planning authority] to use the neighbourhood plan for [neighbourhood area] to help it decide planning applications in the neighbourhood area?”

Some useful websites

CPRE: Neighbourhood plans – Commended as “the best we’ve found” by North Dorset District Council.

Planning Advisory Service: [Neighbourhood planning: early practice](#).

Colin Buchanan: [Neighbourhood Planning one year on; Lessons from the Frontrunners](#).

[Your Neighbourhood Plan toolkit](#)

[My Neighbourhood:](#) Neighbourhood Planning Protocol for Bath & North East Somerset.

[Bray neighbourhood plan](#)

[Yapton neighbourhood plan](#)

[Ascot, Sunninghill and Sunningdale neighbourhood plan](#)

[Angmering neighbourhood survey](#)

[Tettenhall neighbourhood plan](#)

[Bookham neighbourhood plan](#)

[Bloomsbury Village Neighbourhood Plan:](#) ‘virtual sticky-board’ (Eden Project)

[The neighbourhood planning process](#) (DCLG presentation)

Implementing the NPPF

The expectations. Greg Clark told the Commons on 24 April:

“I met the Planning Inspectorate... the day after the NPPF was launched. I made it crystal clear that it provided for a localist approach and provided a framework for local decisions, and that I expected decisions to be taken in that vein... I am very confident that that is understood” (Planning, Telegraph).

What then should we look forward to from the NPPF?

Generally speaking it should be business as usual, as the majority of the framework restates previous policy. We might expect, or at least hope for, clearer reasoning and more consistent decisions, at both planning permission and appeal. We will be unsurprised if councils that have failed to identify adequate housing land supply have their local plans discarded as unsound by the Planning Inspectorate. We will be concerned if the presumption in favour of sustainable development turns out to be a licence to build overriding local concerns, but we cannot do other than expect it to come into force if councils are dragging their feet on housing provision.

The experience. It is too early to claim that decisions under the NPPF are more consistent and that appeals are more supportive of local decisions. Many of the decisions currently being issued by the Planning Inspectorate and Secretary of State are from inquiries that began before the NPPF was announced. Call-in decisions show that Eric Pickles will not normally use the NPPF to revisit matters considered by a planning inspector (for example, [North Yorks Moors gas plant](#); [Leicestershire incinerator](#)). In the case of these two projects, national energy and waste policies were the trump cards and the NPPF made not a jot of difference. But for smaller appeals which started after publication of the NPPF, there are hints that the clarity of the document is leading to more sensitive planning decisions (for example, [Deptford](#); [Cherry Hinton](#)). The picture will only become clear when a number of major post-NPPF appeals on housing and energy projects have gone their course. Eric Pickles has made clear his general reluctance to intervene in local matters post-Localism Act through call-ins. However, there are indications that he may step in where local councils are ignoring or distorting national planning policy ([King's Lynn incinerator](#); [Newport supermarket](#)).

Town Centres: NPPF 23-27

NPPF 27. In an appeal decision that shows that town centre first policy remains strong under the NPPF, a planning inspector rejected an application for an out-of-town Sainsbury's at Kendal, Cumbria arguing that a alternative site for a large format foodstore “is available, suitable and viable” and the store therefore fails the sequential test at NPPF27 ([Decision](#)).

Housing & the Presumption: NPPF 47-49

NPPF 47. Under NPPF47, councils must demonstrate a five year supply plus 5%, except where there has been a record of persistent under delivery of housing when they must demonstrate five years plus 20%. A number recent cases shed light on the importance of the five-year-plus supply in protecting against imposition of the presumption in favour of sustainable development at appeal, and having local decisions overturned.

In May, a planning inspector [suspended examination](#) of Wigan's core strategy after declaring it did not meet the requirement for an identified five year supply of housing, plus the 20% extra demanded because the local authority has a record of persistent under delivery of housing.

In an [appeal decision](#) at Bourne, Lincolnshire, the inspector relied upon NPPF49 to rule that the relevant core strategy housing policy (adopted in 2010) was not up-to-date. South Keveston District Council could not demonstrate a five year housing land supply across the whole district, even though could demonstrate 7.5 years in Bourne, therefore the presumption in favour of sustainable development applied and the housing was allowed.

Housing was [allowed on appeal](#) at Cockermouth in Cumbria partly on the basis of insufficient housing land to meet the targets in the regional strategy: “Whilst it is the Secretary of State's intention to abolish Regional Strategies, paragraph 49 of the NPPF explains that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.” The inspector ruled that the presumption in favour of sustainable development applied in “the absence of up-to-date housing policies”, even though the Allerdale local plan is due for adoption in just six months.

After Eric Pickles [approved housing and a link road](#) partly in the green belt at Lytham St Annes, [Andrew Lainton](#) suggested that the weak wording of the NPPF on countryside protection will lead to cases of ‘automatic’ land release when a five year supply of housing land has not been identified.

Green Belt: NPPF 79-92

NPPF 87-88. In contrast to Lytham St Annes (above), Cheltenham's green belt was protected against the presumption in favour of sustainable development even though the local plan is out of date and the council does not have a five-year-plus supply of housing land. The inspector concluded that because “the site is subject to a specific framework policy indicating that development should be restricted” by green belt policy, “even if relevant development plan policies are out of date, the presumption to grant permission does not apply.” The council's barrister claimed the decision “represents a significant potential limitation on the operation of the presumption” and would apply to SSSIs, AONBs and heritage coasts ([Planning £](#); [Decision](#)).

NPPF 89. A planning inspector has thrown out plans for an aviation museum in the green belt in Mole Valley, confirming that the NPPF does not change the direction of green belt policy as the museum claimed. He ruled the replacement building was materially larger and therefore inappropriate development in the green belt ([R&RL](#); [Decision](#)).

Rural Housing: NPPF 54-55

NPPF 55. An application for an isolated new house at Baulking in the Vale of White Horse countryside was rejected by an inspector who said that it would not satisfy the NPPF55 tests of being innovative and of exceptional quality ([DCS](#); [Decision](#)).

Design & Heritage: NPPF 56-68 & 126-141

NPPF 56/132. A planning inspector rejected at appeal a hotel extension in a Lambeth conservation area on grounds of poor design and less than substantial harm to heritage assets ([Decision](#)).

NPPF 58. A planning inspector rejected an appeal for a high street betting shop on a range of criteria, including the NPPF's requirement to create "safe and accessible environments" ([Deptford Dame](#); [Decision](#)).

Communities: NPPF 69-78

NPPF 70. A brewery appealed a refusal of permission to convert a pub in Cherry Hinton, Cambridge to residential use. The planning inspector rejected the appeal relying on the NPPF requirement that "that planning policies and decisions should plan positively for the provision and use of community facilities (including public houses) to enhance the sustainability of communities and residential environments" ([Camra](#); [Decision](#)).

NPPF Roundup

Cherwell District Council reviewed a clutch of [prior planning committee approvals](#) and concluded that all the decisions remain sound under the NPPF. The Planning Advisory Service has issued a [checklist](#) to assess adopted local plans against the requirements of the NPPF.

NPPF Impact Assessment

Summary. On 3 July, the communities department belatedly issued the impact assessment for the NPPF, along with a summary of responses to the consultation on the draft NPPF ([impact assessment](#), [consultation summary](#)). The hand of George Osborne and the 2011 [Plan for Growth](#) are almost nowhere to be seen in the revised impact assessment. The [impact assessment](#) for the draft NPPF had talked of driving councils to plan for higher levels of growth, but the new assessment is far less bullish about planning as an engine of the economy:

- ▣ Local plan-making features more strongly.
- ▣ The text on the presumption in favour of sustainable development has been rewritten to highlight sustainability.
- ▣ The new assessment emphasises the importance of ecosystems services and planning positively in enhancing the environment.

Policy objectives. The aim of the NPPF is to "support sustainable development, which means balancing economic, environmental and social considerations and seeking to achieve positive improvements overall." The specific policy objectives for the framework have been rewritten (page 10) to become:

- ▣ "strengthen the plan-led system to deliver sustainable development locally" – a new policy objective which strengthens the emphasis on plan-led sustainable development
- ▣ "improve clarity and certainty for communities, local councils and developers, reduce costs and burdens for local councils and applicants (businesses and households), and improve efficiency in processes" – this is unchanged from the draft impact assessment
- ▣ "hand power back to local communities to shape development in their area" – a rewording in apparent acknowledgement that communities will have only very limited scope to decide on local development.

Economic imperative reduced. The final impact assessment has a reduced emphasis on planning as an engine of economic growth. A claim that planning policy hampers growth has been dropped from the justification for the NPPF, as have the statements: "The presumption in favour of sustainable development... will promote growth" and "the planning system needs to ensure the country gets the infrastructure it needs to support economic growth." The impact assessment no longer speculates that the NPPF will lead to a 2% increase in approval rate of planning applications, with a consequent increase in housebuilding and jobs. A claim that the NPPF will make planning more equitable between communities and developers has also been dropped.

Sustainable development. A new section on *Sustainable development*, replacing text on the *Presumption in favour of sustainable development*, emphasises the importance of the plan-led system and community participation in plan-making. The NPPF has been read by some commentators to suggest that there is requirement to consider but not to balance the three pillars of sustainability (NPPF8, NPPF152). The impact assessment makes it clear that: "the intention of the Framework is to support sustainable development, which means *balancing* economic, environmental and social considerations and seeking to achieve positive improvements overall" (page 18, our emphasis).

Presumption in favour of sustainable development. The impact assessment has also reduced emphasis on the presumption leading to development by default. The following sentence has been dropped from the assessment: "existing policy does not, as the presumption does, establish the clear expectation that the approach should be to meet development needs and approve development proposals wherever possible." The assessment now explains the presumption as follows:

"The presumption in favour of sustainable development is intended to ensure councils take a positive approach when developing Local Plans. The presumption also applies to decision-taking, placing emphasis on approving planning applications that are in line with adopted plans, but also an increased emphasis on approving proposals where up-to-date plans are not in place (or where existing plans do not provide a clear guide), subject to safeguards to ensure that development is sustainable" (page 18).

Brownfield. New text attacks the former national brownfield target as arbitrary, driving up prices, leading to flats rather than family homes and encouraging garden grabbing, with 9% of housing built on gardens between 2006 & 2009. The government wishes to "move away from a prescriptive top-down target for brownfield development to an approach where councils continue to make effective use of brownfield where it is suitable for development and is of lesser environmental value... It will allow them to set locally appropriate targets for brownfield development if they wish to. The Government also wants to support councils in resisting inappropriate development of residential gardens where development would cause harm to the local area." A new statement on environmental impact notes that "some brownfield sites have a higher environmental value than greenfield sites, for example due to their biodiversity" and says the policy prioritises land of lesser environmental value.

Countryside. The final NPPF added protection of the countryside as one of the twelve core principles for planning (NPPF17). However, the NPPF contains no specific policies to deliver this principle and the impact assessment therefore does not consider it.

Environment. The draft impact assessment gave lip service to the environmental costs and benefits of sustainable development. This has been remedied with extensive new text on the importance of ecosystems services and of planning positively to enhance the environment:

“It will be for local councils, working with their communities, to identify the amount of development needed in their local areas, and how this can be accommodated within the environmental constraints of and aspirations for an area. Local communities are best placed to understand their environment and identify suitable locations for development – minimising adverse impacts on the natural environment and proactively seeking to enhance ecosystems services” (page 44).

The new impact assessment reviews flooding and water resources in detail. It also identifies the impacts of the NPPF on a range of ecosystem resources; soil, water, air and climate; cultural, heritage and tourist assets. It makes it clearer that local authorities are required to undertake Strategic Environmental Assessments of plans, policies and programmes (Page 27).

Local Green Space. A new sentence emphasises that the designation should not be used to protect ordinary fields even if in use by the public for recreation: “The designation should only be used where the green area is demonstrably special to a local community and holds a particular local significance, for example a playing field.”

Town centre first. The new assessment contains a detailed justification for small scale rural office development being removed from town centre first policy (page 31).

Change of use. The government has paved the way for relaxation of planning rules for change from commercial to residential use by including the impact assessment in that for the NPPF (page 34). It proposes to adopt an approach that encourages change of use from B1, B2 and B8 (business, general industrial and storage & distribution) to C3 (dwelling houses) (use classes). “The objective of the change is encourage greater reuse of commercial premises for housing where there is housing need, that the change of use would be appropriate locally and that there are no strong economic reasons as to why the change of use would be inappropriate.” Councils will still be able to reject planning permission for change of use, but the pressure will be on them not to do so.

Planning costs. Text on the costs of planning to the economy is considerably strengthened, with inclusion of further detailed research by Professor Michael Hall. This is summed up by the claim that: “the total cost to the economy of development control could be expected to run into several billion pounds... The very large costs of development control mean that small percentage changes produce very significant money savings for participants.” Curiously, there is no attempt in the impact assessment to quantify the economic benefits that good planning brings by, for example, protecting ecological resources, promoting wellbeing and providing a spatial environment in which the economy can flourish.

Test case planning appeals. Although the impact assessment still claims that the NPPF may “lead to a reduction in the level of appeals”, it now recognises that in “the short term, some appeals may be brought forward as ‘test cases’ for the new system, as is always the case.”

Planning guidance. The statement confirms, as announced on 3 July, that the government intends to review the 6,000 pages of existing planning guidance. In what may be a major change, the impact assessment no longer says: “in the majority of cases, we expect that any future good practice guidance would be developed and owned by relevant external bodies, rather than being specified centrally.” This suggests that the government will continue to take responsibility for planning guidance and not devolve it entirely to practitioners bodies.

Duty to cooperate. The new assessment leaves no doubt that councils will be punished if they do not cooperate with neighbours on their plans. “Councils will have to demonstrate at the independent examination that they have complied with the duty [to cooperate]. Failure to do so will mean that they may not pass the independent examination. This is a powerful sanction and mitigates the risk that local variation might encumber more strategic planning decisions.”

Consultation summary. The communities department has also published a summary of the 16,000 responses to a consultation on the draft version of NPPF:

▣ 83% of respondents to the consultation disagreed or strongly disagreed that the draft NPPF had the right approach to establishing and defining the presumption in favour of sustainable development

▣ 69% of respondents disagreed or strongly disagreed that the draft NPPF “gives a strong clear message on green belt protection”.

Planning for a Healthy Environment

Good practice guide. As we go to press, the Wildlife Trusts and TCPA have published a good practice guide for green infrastructure and biodiversity (TCPA, 24dash). “Endorsed by more than 30 organisations [including CPRE], it summarises the latest policy drivers; distils the best approaches and good practice; and signposts sources of further detailed information.”

About the CPRE South East eBulletin

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