

## CPRE South East eBulletin

### Draft National Planning Policy Framework June 2011

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#### THE PRACTITIONERS ADVISORY GROUP DRAFT

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Last December, ministers appointed an advisory group to draft the National Planning Policy Framework. The Practitioners Advisory Group submitted its draft NPPF to Greg Clark, Minister for Planning on 20 May. They told him 'planning policy can and should be simplified. In undertaking that simplification, however, we have also suggested policy changes—all of which are aimed at achieving a planning system which truly reflects collective ambitions for economic growth and sustainable development.' The government's own draft of the NPPF is due in the next couple of months.

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#### Draft NPPF Document

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<http://www.nppfpractitionersadvisorygroup.org/>

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#### Abbreviations

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**LPAs.** Local Planning Authorities.

**NPPF.** Draft National Planning Policy Framework.

**PAG.** The Practitioners Advisory Group that drew up the draft NPPF for the Department of Communities and Local Government (**CLG**).

**PPS.** Planning Policy Statement.

**SHLAA.** Strategic Housing Land Availability Assessment.

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#### EDITOR'S COMMENTARY

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*The draft NPPF is not yet draft government planning policy but this document was commissioned by ministers and chimes closely with the thoughts of the business lobby inside and outside government. Ministers will no doubt be listening carefully to reactions to the PAG draft and there is every danger the consequences of this document will echo through planning for a generation. No one should be the least surprised if the draft NPPF, and the near silence in which it has been greeted, encourages ministers to stride on with the ongoing erosion of protection for the countryside, environment and communities.*

**Sustainable development or alchemy?** *The draft NPPF promotes the belief that destructive intrusions into landscapes, communities and the environment can be transmuted into sustainable development through planning conditions, obligations and—if all else fails—payments. This modern day alchemy nails the environment into a permanent second place to the economy. The NPPF launches a building free-for-all by demanding that where a local plan is silent proposed developments must be approved. And above all, the draft NPPF assassinates the special place the countryside occupies in planning. It deletes a protection that dates back to CPRE's role in the founding of the planning system in 1940s, a protection admired the world over.*

#### **Countryside to be written out of planning policy?**

*If the draft NPPF is adopted by the government in anything like its present form then existing planning policy for protecting the quality and character of the countryside will be abandoned. The draft calls for green belts and designated landscapes to be safeguarded, and tranquillity to be recognised. But it discards the critical protection for the countryside, a protection that dates back to Town and Country Planning Act of 1947. More recently PSS1 set as a national planning objective: 'protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities'. Page 3 of the draft NPPF has slashed this national ambition back to a meagre: 'protecting and enhancing the natural and historic environment'. The draft also abandons the PPS3 emphasis on prioritising previously used land for development.*

**Conformity and housing.** *The draft NPPF sweeps away the Local Development Framework and heralds a return to local plans. For an existing core strategy to be adopted as a local plan, the planning authority will have to seek a certificate of conformity with the NPPF. But will this be a rubber stamping exercise or will housing numbers be revisited? We can expect this to be a battleground as the 2008 housing projections issued last December predicted 20,500 fewer new households in England each year between 2008 and 2031, compared to the 2006-based projections on which most the approved core strategies are based.*

**Sustainable growth.** *It is impossible to come away from the draft NPPF without the impression that 'growth' has been simply been replaced with 'sustainable growth' on the assumption that all development can either be made sustainable, or compensated for by ecological investment or cash payments to communities.*

**Approve!** *The 'Plan for Growth' published alongside the Budget said that: 'local authorities should start from the presumption that applications for development and job creation will be accepted' when local plans are absent or silent. The draft NPPF is more forthright: 'where planning policies are out of date or a plan is silent or unclear on a particular development, approval should be granted.' In this draft of the NPPF the presumption in favour of approval has become a command to approve.*

**A single policy document?** *Grant Shapps announced the NPPF will 'take over one thousand pages of planning law and a further six thousand pages of guidance and replace the whole lot with one simple, short document!' Maybe, but one recommendation on his desk is that the 15,500 word draft NPPF is accompanied by extensive best practice guidance. No one should be surprised if national planning policy statements re-emerge through this route: refreshed, relabelled and refined, but nevertheless statements of national guidance that will shape local decisions, examined in minute detail by planning officers and in appeal hearings. But these will not be subject to the same consultation processes in drafting and adoption as the current planning policy statements.*

**And some of the rest.** *There are many points to welcome in the draft NPPF, including support for the green belt, Local Green Space, rural areas, town centres and action against breaches of planning permission. But the draft fails to take strong stance against mineral extraction in protected landscapes; claims that coal production can be environmentally acceptable; says that congestion and noise should rarely be grounds for rejecting developments; and insists that renewable energy projects will not have to demonstrate their need or justify their siting.*

**Andy Boddington, Editor**

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## THE PRACTITIONERS ADVISORY GROUP

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### Membership of PAG

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Last December, CLG appointed an advisory group of four experts in planning, local government, house-building and the environment to draft the NPPF:

**John Rhodes.** Director of a planning consultancy, Quod.

**Simon Marsh.** Acting Head of Sustainable Development at the RSPB. Former local authority planner. Chairs the Land Use Planning Working Group of Wildlife & Countryside Link.

**Gary Porter.** Leader of South Holland District Council and Chairman of LGA Environment & Housing Board.

**Pete Andrew.** Director of Land and Planning at Taylor Wimpey UK.

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### PAG Recommendations

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**Timing.** The NPPF should have immediate effect. To do otherwise would generate confusion and would defer the contribution the NPPF can make to national economic recovery and other government objectives. Pending the preparation of local plans consistent with the NPPF, ‘the NPPF itself can provide a sufficient framework against which planning decisions can be made’.

**Neighbourhood plans.** A new practitioners group should prepare succinct guidance for the preparation of local plans and for development management. The PAG insists that they do not intend this group to introduce ‘additional policy through the back door’.

**Best practice guidance.** The government is not best placed to be the arbiter of best practice guidance within specialist areas of planning practice. It should identify the parties who are and ‘thereafter [it] should allow those parties to develop acknowledged best practice and for it to be clear that such guidance is useful—but it is not policy.’

**Enforcement.** The NPPF should be regarded as of central importance to the achievement of a number of government objectives. It is important that weight is attached to the NPPF through the planning system and, in particular, through decisions made by the Secretary of State on appeal and in his role in ensuring that local plans address national objectives.

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## THE PAG FRAMEWORK

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### The Role of the NPPF

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The National Planning Policy Framework ‘sets out the Government’s economic, environmental and social priorities for England.’ It ‘sets out the Government’s priorities only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable local governments can produce their own distinctive Local and Neighbourhood Plans, which reflect the needs and priorities of their communities.’ The NPPF does not apply to Nationally Significant Infrastructure Projects, which are guided by the National Policy Statements.

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### Delivering Sustainable Development

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**No conflict.** The draft NPPF dismisses any suggestion that economic growth is in conflict with environmental degradation: ‘The notion that economic growth necessarily leads to environmental degradation must be firmly laid to rest by ensuring that development is undertaken responsibly and that it generates benefits which help secure local economic, social and environmental objectives.’ It insists that ‘planning must operate to encourage growth and not act as an impediment.’

The draft NPPF adopts the 1987 Brundtland Commission definition of **sustainable development**: ‘sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs’. The PAG says that sustainable development entails meeting three objectives:

- ◆ **Planning for prosperity** (an *economic* role): using the planning system to help build a strong, flexible and sustainable economy by providing infrastructure and development fit to meet the country’s current and future needs in a world of challenging global competition.
- ◆ **Planning for people** (a *social* role): using the planning system to help promote strong, vibrant communities by providing an increased supply of housing to meet the needs of present and future generations; and creating a good quality built environment, with accessible local services, that delivers the diverse requirements of a community.
- ◆ **Planning for places** (an *environmental* role): using the planning system to help tackle climate change and adapt to its effects; to protect and enhance our natural and built environment; and to use natural resources prudently.

The PAG says that ‘a presumption in favour of sustainable development... should be seen as a golden thread running through both plan making and decision taking’ and:

- ◆ local plans should be prepared on the basis that objectively assessed development needs are met
- ◆ development proposals that accord with these plans should be promptly approved
- ◆ where planning policies are out of date or silent or unclear on a particular development, approval should be granted.

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### Core Planning Principles

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The PAG sets out nine core land-use planning principles:

**Plan-led development.** Planning should be genuinely plan-led, with succinct local plans setting out a practical framework within which decisions on planning applications can be made with a high degree of certainty and efficiency.

**Promoting development.** LPAs should be proactive in driving the development that this country needs.

**Land for development.** LPAs should set out a clear strategy for allocating sufficient land for development.

**Environmental quality.** In considering the future use of land, LPAs should take account of its environmental quality or potential quality regardless of its previous or existing use.

**Environmental and heritage assets.** ‘Planning strategies and decisions should seek to protect and enhance environmental and heritage assets of real importance. Where practical and consistent with other objectives, allocations of land for development should prefer land of lesser environmental value.’

**Land use.** LPAs should promote mixed use developments that create more vibrant places; recognising that some open land can perform many functions: for wildlife, recreation, flood risk mitigation, carbon storage or food production.

**Reuse & renewables.** LPAs should enable reuse of existing resources, including conversion of existing buildings, and encourage rather than restrict renewable resources, such as renewable energy.

**Transport.** LPAs should actively manage patterns of growth to make the fullest use of public transport and focus significant development in locations which are or can be made sustainable.

**Amenity.** Planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

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## The Return of Local Plans

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The NPPF will scrap the **local development framework** introduced in the Planning and Compulsory Purchase Act 2004 and detailed in PPS 12. Each LPA will produce one plan: the Local Plan. Additional or supplementary development plan documents should only be necessary exceptionally, for instance where they will accelerate development. Local Plans must aim to achieve sustainable development and must be consistent with the objectives, principles and policies in the NPPF.

A **Local Plan** will cover 15 years and: plan positively for the development and infrastructure; incorporate a map of strategic development locations; identify areas where change of use of buildings is restricted; identify land which is 'genuinely important' to protect from development, including for its environmental or historic value; and contain a strategy for environmental enhancement. An 'early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential'.

**Joint working** with neighbouring LPAs is urged throughout the draft NPPF, meeting 'unmet requirements from neighbouring authorities' where consistent with the presumption in favour of sustainable development.

**Existing plans.** 'It will be open to local authorities to seek a certificate of conformity with the National Planning Policy Framework or to prepare a new or revised plan.'

**Deliverability.** The PAG insists that developments identified in the plan should 'not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'. By obligations and policy burdens the PAG is thinking of the costs of 'affordable housing, local standards, [and] infrastructure contributions'. In a footnote, the PAG defines deliverability as suitable, available now and deliverable within five years at the point of adoption of the Local Plan.

**Soundness.** The Local Plan will still be assessed for soundness by a planning inspector, using four criteria:

- ◆ **positively prepared:** seeking to meet development and infrastructure requirements, including unmet requirements from neighbouring authorities
- ◆ **justified:** the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- ◆ **effective:** the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities
- ◆ **consistent with national policy:** the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

A **Strategic Environmental Assessment** should be an integrated part of the plan preparation. It must be proportionate to the plan, should not repeat the assessment of higher level policy and 'must consider all the likely significant effects on the environment'. **Infrastructure**, minerals, waste and heritage assessments are also required.

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## Neighbourhood Plans

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The draft NPPF strongly emphasises that 'the ambition of the neighbourhood must be aligned with the strategic needs and priorities of the wider local area.' Neighbourhood plans 'must be in conformity with the strategic priorities of the Local Plan. Outside these strategic elements, neighbourhood plans will be able to shape and direct development in their area... Neighbourhood Plans and Local Plans should be complementary. Therefore, LPAs should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.'

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## Planning Decisions

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**Obligations.** 'LPAs should actively consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.' Planning conditions and obligations should be proportionate, fair and reasonable in relation to the scale and kind of development and not undermine viability of development proposals. The total burden of conditions or obligations, including local tariffs and other charges, should not put at risk the deliverability of acceptable development.

**Enforcement.** 'Where developers or individuals have proceeded without due regard to the planning process, resulting in unacceptable impacts on the local community, LPAs should take appropriate action.'

**Call ins.** The Secretary of State should not use his powers of intervention apart from in exceptional circumstances where the granting of permission:

- ◆ may substantially conflict with the NPPF
- ◆ may affect the interests of national security or of foreign governments
- ◆ may raise issues of substantial national importance
- ◆ may raise conflicts with international obligations.

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## PLANNING FOR PROSPERITY

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### Business and Economic Development

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'There is an urgent need to restructure the economy, to build on the country's inherent strengths and to meet the twin challenges of global competition and of a low carbon future.' To help achieve sustainable economic growth, the government's objectives are to:

- ◆ plan proactively to meet the development needs of business and support an economy fit for the 21st century
- ◆ promote the vitality and viability of town centres, whilst meeting the needs of consumers for high quality and accessible retail services
- ◆ raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies.

**Supporting the rural economy.** 'LPAs should support sustainable economic growth in rural areas by taking a positive approach to new development. They should set policies to maintain a prosperous rural economy and to support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities.'

**Business.** In preparing Local Plans, LPAs should ensure that investment is 'not over burdened by the requirements of planning policy expectations'. In considering planning applications: 'LPAs should take a positive attitude to proposals for economic investment and seek to find solutions to overcome any substantial planning objections where practical and consistent with the NPPF.'

**Town centres.** LPAs should recognise town centres as the heart of their communities and pursue policies to support town centre viability and vitality, including through housing. Defined town centre boundaries should be expanded to meet retail, commercial, community service and residential needs if needed. The sequential approach of prioritising town centre sites for retail and leisure developments over out of centre sites is retained. An impact assessment is required for large out of centre developments not in accordance with an up to date plan.

**Evidence base.** LPAs, working with Local Enterprise Partnerships, are required to have a ‘clear understanding of business needs within the economic markets operating in and across their area’, in order to allocate employment, retail and leisure land. Reviews of land needed for economic development should be conducted with the SHLAA.

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### Transport

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The transport system should be balanced in favour of sustainable modes and give people a real choice about how they travel. However, where these modes are less practical the private car will continue to be important to maintain communities. The objectives of transport policy are to:

- ◆ facilitate economic growth by taking a positive approach to planning for development
- ◆ minimise carbon emissions and promote accessibility through planning location and mix of development.

LPAs should ‘not refuse planning permission on transport grounds unless the residual impacts of development are so severe that planning permission should not be granted having regard to the need to encourage increased delivery of homes and sustainable economic development.’ All developments which generate significant movement should provide a Travel Plan.

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### Communications Infrastructure

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In preparing Local Plans, LPAs should support the expansion of electronic communications networks, including telecommunications, high speed broadband and digital infrastructure. In doing this, planning authorities should aim to keep the numbers of radio and telecommunications’ masts and the sites for such installations to a minimum, by using existing masts, buildings and other structures, unless there is a clear justification for allocating new sites. Equipment at new sites should be sympathetically designed and camouflaged.

LPAs should not, though, impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or insist on minimum distances between new telecommunications development and existing development. LPAs should not question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds.

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### Minerals

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The national and regional guidelines for volume of mineral extraction are retained. LPAs ‘ensure sufficient levels of permitted reserves are available from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites.’ When deciding applications, LPAs should:

- ◆ give significant weight to the benefits of mineral extraction, including to the economy
- ◆ ensure that there are no unacceptable adverse impacts on the environment, cultural heritage or human health, and bear in mind the cumulative effect of impacts from a number of sites in a locality
- ◆ not grant planning permission for peat extraction from new or extended sites.

The draft NPPF also encourages gas and carbon storage; identification of coal sites; capture of methane from coal workings; and address constraints on production and processing within areas that are licensed for oil and gas exploration or production. There should be a presumption against development of coal extraction unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or, if not it provides national, local or community benefits which clearly outweigh the impacts.

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## PLANNING FOR PEOPLE

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### Housing

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‘Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live.’ The draft NPPF aims to:

- ◆ significantly increase the supply of housing
- ◆ deliver a wide choice of high quality homes
- ◆ widen opportunities for home ownership
- ◆ create sustainable, inclusive and mixed communities in all areas, including through the regeneration and renewal of areas of poor housing.

**Brownfield.** There is no mention of re-use of previously used land. Density of dwellings will be a local matter.

**Five year +20% land supply.** The draft NPPF retains the PPS3 requirement to maintain a rolling supply of specific deliverable sites to provide five years worth of housing, and adds an additional 20% to ensure ‘choice and competition in the market for land’. LPAs should also identify a further supply of ‘specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15’.

**Windfall** sites must not be included in the first 10 years of supply, or in the rolling five-year supply, unless LPAs can ‘provide compelling evidence of genuine local circumstances that prevent specific sites being identified’.

**Rural areas.** LPAs should be responsive to local circumstances and allow housing development and the growth of villages to reflect local requirements for market and affordable housing. They should avoid isolated homes in the countryside except where:

- ◆ needed essential for workers to live permanently at or near their place of work in the countryside
- ◆ the development would ensure the future of buildings of special architectural or historic interest
- ◆ the development would re-use redundant or disused buildings and enhance the immediate setting
- ◆ the dwelling is of exceptional quality or innovative design.

**Affordable housing.** There is no guidance on the proportion of affordable housing. Where affordable housing is required, LPAs should set policies for meeting this need on site or through commuted payments ‘with the objective of creating mixed and balanced communities’. Commuted payments may be used to improve the existing housing stock.

**Evidence base.** LPAs will still be required to produce a Strategic Housing Market Assessment, often stretching across local authority boundaries. Local sites will be identified through the existing Strategic Housing Land Availability Assessment (SHLAA) mechanism.

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### Design

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‘Good design is indivisible from good planning and should contribute positively to making places better for people.’ Design policies should avoid unnecessary prescription or detail and should guide the overall scale, density, massing, height, landscape, layout and access of development. LPAs should not impose architectural styles or tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

LPAs should refuse permission for development of obviously poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Where design of a particularly high quality is proposed, including innovative design, local authorities should encourage its development unless there is a compelling reason not to do so consistent with the NPPF.

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## Green Belt

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'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence... Once Green Belts have been defined, local authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; provide opportunities for outdoor sport and recreation; retain and enhance landscapes and biodiversity; or improve damaged and derelict land.'

Once established, Green Belt boundaries should only be altered in exceptional circumstances and change should only be considered when a Local Plan is being prepared or reviewed. It should not be necessary to designate new Green Belts except in exceptional circumstances. When considering planning applications, LPAs should give substantial weight to any harm to the Green Belt. Construction of new buildings in the Green Belt is inappropriate, except for:

- ◆ buildings for agriculture and forestry
- ◆ essential facilities for outdoor sport, recreation and cemeteries as long as the openness of the Green Belt is preserved
- ◆ the replacement, extension or alteration of a dwelling provided that it is not disproportionately enlarged
- ◆ limited infilling in villages and limited affordable housing for local community needs under Local Plan policies
- ◆ limited infilling or redevelopment of previously developed sites (excluding temporary buildings), which do not have a greater impact on the openness of the Green Belt.

Other forms of appropriate development, provided they preserve the openness of the Green Belt, are: mineral extraction; engineering operations; local transport infrastructure, if a Green Belt location is justified; and the re-use of buildings.

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## PLANNING FOR PLACES

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### Climate Change, Flooding & Coastal Change

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Planning should 'fully support the transition to a low carbon economy in a changing climate, taking full account of flood risk and coastal change' and:

- ◆ secure radical reductions in greenhouse gas emissions through appropriate location and layout of development
- ◆ actively support renewable and low-carbon energy
- ◆ avoid development in areas at high risk of flooding; but where it is necessary, making development safe without increasing flood risk elsewhere
- ◆ reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or by adding to the impacts of physical changes to the coast.

LPAs should 'identify and map opportunities for renewable and low carbon energy, based on ecological sensitivity and generation potential'. When determining planning applications, LPAs should:

- ◆ look favourably on developments that have demonstrable carbon benefits and avoid stifling innovation;
- ◆ give significant weight to the wider environmental, social and economic benefits of renewable or low-carbon energy projects whatever their scale
- ◆ not presume against energy development outside mapped areas nor require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy or question the energy justification for why a proposal for renewable and low-carbon energy must be sited in a particular location.

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## Natural & Local Environment

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The draft NPPF says: 'In principle, there is no contradiction between facilitating increased levels of development and the environmental role of planning, as long as development is planned and undertaken responsibly.' Planners should aim to conserve and enhance the natural and local environment by:

- ◆ protecting valued landscapes
- ◆ minimising impacts on biodiversity and providing net gains in biodiversity, where possible
- ◆ delivering open spaces and sport and recreation facilities that everyone can enjoy
- ◆ preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability.

LPAs should set criteria against which proposals for development on or affecting protected wildlife sites or landscape areas will be judged, making distinctions between international, national and locally designated sites.

**Local plans.** Local planning policies should:

- ◆ take account of the need to plan for biodiversity at a landscape-scale across LPA boundaries
- ◆ promote the preservation, restoration and recreation of priority habitats and the recovery of priority species
- ◆ identify and map components of local ecological networks including international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation.

**Designated landscapes.** To protect 'valued landscape', LPAs should:

- ◆ plan positively for the creation, protection, enhancement and management of networks of green infrastructure
- ◆ maintain the natural character of the undeveloped coast; improve public access; and take account of marine plans
- ◆ protect the best and most versatile agricultural land; using areas of poorer quality land in preference to higher quality, except where inconsistent with the Local Plan's growth strategy or other sustainability considerations
- ◆ give 'great weight to protecting landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty'; the conservation of wildlife and cultural heritage should be given 'great weight in National Parks and the Broads' [but not AONBs].
- ◆ refuse planning permission for major developments in designated areas except where exceptional need can be demonstrated including for national considerations and importance to the local economy
- ◆ consider scope for developing elsewhere outside the designated area; meeting the need in some other way; and take regard any detrimental effect on the environment, the landscape and recreation.

LPAs should aim to conserve and enhance **biodiversity** by applying the following principles to planning applications:

- ◆ if significant harm from a development cannot be avoided, adequately mitigated against or—as a last resort—compensated for, permission should be refused
- ◆ development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- ◆ opportunities to incorporate biodiversity in and around developments should be encouraged
- ◆ planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, development clearly outweigh the loss.

**Local Green Space.** Local communities should be able to identify for special protection green areas of particular importance to them in local and neighbourhood plans. An essential characteristic of Local Green Spaces is their permanence and by designating land they will be able to rule out development other than in very special circumstances. The designation should only be used where the green area:

- ◆ is special to a local community and holds a local significance because of its beauty, historic importance, recreational value, tranquillity or richness of wildlife
- ◆ is local in character and is not an extensive tract of land
- ◆ does not overlap with Green Belt.

Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

**Tranquillity.** LPAs should 'identify and protect areas of tranquillity which have remained relatively undisturbed by noise nuisance and are prized for their recreational and amenity value for this reason.'

**Pollution.** The draft NPPF guidance is limited to pollution by emissions and noise. LPAs should focus on whether the development itself is an acceptable use of the land, and the impact of the use. Planning authorities should assume that pollution control regimes will operate effectively. Light pollution is not mentioned.

### Heritage

**Conservation.** LPAs should set out a strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats, taking into account the:

- ◆ desirability of sustaining and enhancing the significance of heritage assets
- ◆ wider social, cultural, economic and environmental benefits from conservation of the historic environment
- ◆ desirability of new development making a positive contribution to local distinctiveness.

LPAs should assess the significance of any element of the historic environment that may be affected by a proposal, including the setting of a heritage asset. Loss of a building that makes a positive contribution to a Conservation Area should also be considered harmful. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings and grade I and II\* registered parks and gardens, world heritage sites, should be wholly exceptional.

**Planning permission.** In determining applications, LPAs should require an applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. The level of detail should be no more than is sufficient to understand the potential impact of the proposal on the asset's significance. Where there has been deliberate neglect or damage to a heritage asset the deteriorated state should not be taken into account in any decision. If an application will lead to substantial harm or total loss of significance of an asset consent should be refused unless:

- ◆ no viable use of the heritage asset itself can be found in the medium term that will enable its conservation
- ◆ conservation by grant-funding or some form of charitable or public ownership is not possible
- ◆ the substantial harm or loss is necessary to achieve substantial public benefits.

LPAs should assess whether the benefits of an application for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from planning policy.

### Waste Management

The draft NPPF confirms support for the waste hierarchy. LPAs should:

- ◆ drive waste management up the waste hierarchy
- ◆ plan for disposal of waste and recovery of mixed municipal waste in the nearest appropriate installations but recognise that new facilities will need to serve catchment areas large enough to justify the investment
- ◆ take into account of demand for waste capacity from neighbouring areas and share facilities if required.

LPAs should only identify sites for waste facilities if they are suitable when assessed against:

- ◆ their physical and environmental constraints on development, including neighbouring land uses
- ◆ the capacity of transport infrastructure to support the sustainable movement of waste seeking when practicable and beneficial to use modes other than road transport
- ◆ the cumulative impact of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

### REACTION

**Planning.** The Town and Country Planning Association warned that the draft NPPF 'falls short of the kind of guidance necessary to create an effective planning framework for England'. It said the proposed definition of sustainable development is 'not aligned with the government's own definition and is far weaker'. While the PAG places an emphasis on achieving a sustainable economy through 'planning for prosperity', it fails to address the other fundamental principles of sustainable development: living within environmental limits; ensuring a strong, healthy and just society; promoting good governance; and using sound science responsibly (<http://bit.ly/lw1JQ1>).

**Housing.** The National Housing Federation welcomed the draft NPPF but said it could not support the 'recommendation of a move away from the on-site provision of affordable homes in private housing developments' (<http://bit.ly/j0NXqh>).

**Rural economy.** The Country Landowners Association said: 'This draft planning policy is too cautious and must be expanded to fully support the needs of the rural economy. We need better quality jobs so that people can afford to work and live in rural areas... National planning policy must encourage a broader, sustainable rural economy that goes further than just leisure and tourism' (<http://bit.ly/lERYp4>).

### About the CPRE SE eBulletin

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