

SPECIFIC PARTS OF EXISTING PLANNING POLICY GUIDANCE/STATEMENTS WHICH NEED TO BE CONSIDERED

PPS1 – Delivering Sustainable Development

The NPPF should continue to set out the Government's Objectives for the Planning System and the Key Principles.

Sustainable Development needs to be clearly defined.

The proposed presumption in favour of sustainable development needs to be explained.

The precedence of the Development Plan needs to be reaffirmed.

PPS1 Supplement – Planning for Climate Change

The following paragraphs, which set out the principles of sustainable design as well as supporting locally developed standards and targets, accord with the ethos of localism and should be retained: -

Decision-making principles, including the first five sub-points (Para 10),
The Core Strategy (Para 18)
Renewable and low carbon generation (paras 19-20),
Local requirements for decentralised energy to supply new development (para. 26)
Local requirements for sustainable buildings (paras. 30-32), and
Designing environmental performance into proposed developments (para 42),

PPS1 Supplement – Community Involvement in Planning

Not needed but clarification of what is required in terms of public engagement in Development Management and Plan Making and, in particular, the preparation of Neighbourhood Plans should be included in the relevant parts of the NPPF (see PPS12).

PPG2 – Green Belts

The purposes of the Green Belt (para 1.5) and their permanence (paras 2.1 and 2.6) should be reaffirmed.

The treatment of existing villages (para 2.11) and safeguarded land (para 2.12) should be retained.

The strategic policy should be framed to simply require development to ensure compliance with the aims that lead to land being identified as Green Belt. The opportunity should also be taken to reconcile the aims of policy with regard to dwelling houses with the provisions for the erection of "permitted development" for such dwelling houses.

Clarification of the relationship between Green Belt policy and affordable housing (opportunities within villages are limited) and the Community Right to Build would be welcome (Annex E refers).

PPS3 – Housing

There should be a clear and up-to-date definition of affordable housing (Annex B refers).

The Government's approach towards market housing should be clarified

The Government's approach towards setting targets for affordable housing and developer contributions in DPDs should be clarified (para 29 refers)

The approach towards affordable housing in rural areas and, in particular, the concept of an "Exceptions Site Policy" needs to be clarified in the light of the Community Right to Build provisions of the Localism Bill (para 30 refers).

The approach towards identifying local housing need in the absence of the Regional Spatial Strategy needs to be clarified (para 33). A common approach should be commended.

The national criteria for the location of housing should be retained and refined (para 38)

The Government's approach to making the "most effective use of land" needs to be clarified. Is there still a national target of 60% of all new housing to be located on Previously Developed Land (pdl) even if back gardens are no longer so defined (para 41 refers) and density targets have been relaxed (para 47 refers)? The definition of pdl in Annex B (as amended) should be retained.

The Government's approach towards demonstrating a 5, 10 and 15 year supply of deliverable housing needs to be clarified (paras 52 – 61). This should only be based upon a Strategic Housing Land Availability Assessment (SHLAA) and a properly undertaken Housing Needs assessment where there is no adopted Housing Development Allocations DPD (the sites in a SHLAA do not have development plan status).

Para 59, which precludes the inclusion of windfalls in housing land supply calculations should be deleted to prevent the premature release of greenfield sites. The Guidance on the preparation of SHLAAs (Annex C and Practice Guidance) should not require the identification of greenfield sites if it can be demonstrated that there are sufficient pdl sites to meet housing requirements. In this respect, the specification for housing land studies should be modified to presume in favour of use of pdl and TO NOT REQUIRE that any potential greenfield site should be examined but that greenfield land be assessed ONLY if the history of performance in granting planning permissions for

windfall sites dictates that this source is unlikely to provide adequate land supply in the future.

PPS4 – Planning for Sustainable Economic Development

As a general point, combining and muddling national policies for retail, town centre, industrial, warehousing and economic development in rural areas as well as tourism and parking for non-residential uses into a single document was not helpful.

The Government should clarify the nature of evidence required to identify need for employment and retail use (Policy EC1 refers) and whether a needs and competition test applies in respect of retail development. The requirements in Annex C are very demanding at the local level and might be considered to be onerous in, for instance, small market towns.

Planning policies for town centres are not just about retail use and deserve their own section in the NPPF (policies EC4 & 5 refer). Do the Government intend to retain the sequential test (Policy EC5.2)? Is the *Competition Policy* aspect to be applied – if so, then the matter should be VERY carefully specified?

Policy EC6 dealing with Economic Development in Rural Areas is too prescriptive and unrealistic in its requirements, in particular sections (d) and (e).

Policy EC8 dealing with vehicle parking should be dealt with under PPG13 (replacement)

PPS5 – Planning for the Historic Environment

The policies in PPS 5 are too prescriptive and rooted in process. The “guidance” in many parts of PPG15 was far more helpful in the development of local considerations and the practical assessment of specific proposals.

PPS7 – Sustainable Development in Rural Areas

There is a need for the NPPF to clarify the approach towards protecting the countryside for its own sake and to ensure the minimisation of built incursions (para 15 refers).

The NPPF should clarify the Government’s attitude towards Local Landscape Designations in the light of the localism agenda (paras 24 and 25 refer).

The NPPF should clarify the national policy towards the protection of best and most versatile agricultural land (para 28 & 29 refer).

The NPPF should also advise on policy towards the provision and control of agricultural dwellings.

PPS8 – TELECOMMUNICATIONS

This policy requires radical surgery but nevertheless needs a clear adumbration of the Government's approach to health considerations – it must be made clear that, in the current state of science, it will not be possible for an individual LPA to prove any threat to health from telecoms equipment notwithstanding some aspects of public opinion.

PPS9 – BIODIVERSITY AND GEOLOGICAL CONSERVATION

Protection of International and national sites and some protected species are covered by other legislation. The NPPF should retain the advice on the protection of ancient woodland/veteran trees, local sites (both ecological and geological) and on species and habitats outside of designated areas as per the Natural Environment and Rural Communities Act and European Landscape Convention.

There is a need for the NPPF to clarify the approach to identifying and delivering Green Infrastructure, including the appropriate scale as well as clarifying links with policies in PPS 1 and PPG17. Links to Biodiversity Action Plans also need to be made clearer.

Some of these issues had been picked up by the Planning for a Natural and Healthy Environment consultation paper (and accompanying revisions to the associated circular). However, its focus on regional approaches to Green Infrastructure need to be revisited in the light of the localism agenda.

PPG10 – PLANNING AND WASTE MANAGEMENT

no comment

PPS 12 Local Spatial Planning

In the light of the Localism Bill, the NPPF needs to clarify the form and content of LDFs and Neighbourhood Plans, the processes for preparing them and the inter-relationship between them. In particular, the precedence of the policies of the LDF over the Neighbourhood Plan needs to be confirmed.

PPS13 – Transport

There is much in PPG13 that duplicates advice in other PPG/PPSs. The Government's approach towards "managing travel demand" (Chapter 3) needs to be clarified in the NPPF, in particular, the ambiguities included in the recent interim changes to PPG13 in relation to residential parking standards need to be resolved.

The NPPF needs to recognise the limitations of the planning authority (where it is not also the Highway Authority) to influence such things as traffic management (para 64 *et seq* refer) and cycling (para 78 *et seq* refer). Generally, there needs to be a better understanding and recognition of the different statutory processes for the promotion of transport schemes under the Highway Acts and the Planning Acts and the relevance of the Powergen caselaw decision. The relationship between Local Transport Plans (LTP) and the Development Plan also need to be clarified especially in the light of the latest status/style of LTPs .

PPG14 – Development on Unstable Land

no comment

PPG17 – Planning for Open Space, Sport and Recreation

The following sections support the bottom-up approach to open space protection and supply which is in keeping with the ethos of localism and should therefore be retained:-

Assessments of needs and opportunities (Paras 1-5)

Setting local standards (paras 6-9) and

Maintaining an adequate supply of open space and sports and recreational facilities (paras 10-14).

This needs to be rethought to align with the new provision with regard to the Community Infrastructure Levy.

PPG18 – Enforcing Planning Control

Will need radical reconsideration in light of the draft provisions of the Localism Bill. Essential to retain reference to the “expediency” test.

PPG19 – Outdoor Advertisement Control

This may not be needed but the SoS should also consider whether Areas of Special Control are still required and whether or not the review procedures are still appropriate.

PPG23 – Planning and Pollution Control

Technical advice/policy needs updating but is useful in casework and may be so in the future in site allocations.

PPG24 – Planning and Noise

Technical advice/policy needs updating but is useful in casework and may be so in the future in site allocations.

PPS25 – Development and Flood Risk

Overall the advice presented in PPS25 is *far too rigid and inflexible* and is not responsive enough to local circumstances. It emphasises process over sensible decision making. It needs simplifying. It fails to recognise that many towns and cities have evolved along waterways and that their future vitality and viability is dependent upon development in central locations. The NPPF on the issue of flooding should, at the highest level, have the objective of avoiding, where practicable and where it would not conflict with wider sustainable community benefits, development in areas at high risk from flooding. This objective should acknowledge that where this is not achievable then the primary objective should be to pursue flood risk management, mitigation and enhancement measures to make the development safe and reduce significantly any residual risk whilst ensuring that there is *not an unacceptable risk to humans*.