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ANNEX B

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Dear Mr Scott

National Planning Policy Framework - Consultation

I attach as Annex B to this letter a full response by my Council to the Government's consultation on the National Planning Policy Framework (NPPF). It is set out in the order of your Questions and within each question, it is in paragraph order. I also include a copy of our report to Cabinet on 12 October 2011 which approved the content of this submission.

The Cabinet Report draws out those matters that are of particular concern to the Borough Council. I would draw your attention to the following key issues which are of greatest concern and where we believe a change to the NPPF is essential.

- **The definition of Sustainable Development** – a consistent approach across Government is required which must recognise that sustainable development results from a balanced judgement being made in respect of individual proposals at the local level.
- **The presumption in favour of development** – this must recognise and be linked to the primacy of the development plan (where up-to-date and adopted), but also acknowledge that other material planning considerations, one of which will be the latest Government Policy as set out in the NPPF, will also be relevant to the determination of planning applications. In view of those “other material considerations”, it can never be said that, as a matter of principle, the default response should be “yes”.
- **The Certification Process for Local Plans** - this is unnecessary and cumbersome and in our view should be removed entirely. New plans, in the course of preparation, will in any event have to conform with the new national policy. This has always been the case and is one of the tests of soundness. In the case of an adopted plan the existence of the NPPF will be a “material



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consideration” and to the extent that the adopted plan is not in “general conformity” with the NPPF on a particular matter, so the policies of the NPPF would take precedence. This is no different to what has always been the case when new Government Guidance or Policy has been published, but it is important that the words in para 26 are changed to “general conformity” (rather than “consistent with”). In any event there should be a significant transitional period in which Local Authorities can be allowed to prepare or amend a Plan, otherwise current adopted LDFs may be weakened as soon as the NPPF is published which would be entirely wrong.

- **Neighbourhood Planning** – the opportunity should be taken to clarify the respective status of Local Plans and Neighbourhood Plans and to make clear that Neighbourhood Plans can only provide more development than the adopted Local Plan and, in particular, that development allocations in an adopted Local Plan cannot be deleted by a Neighbourhood Plan. Furthermore, in relation Neighbourhood Plans, we consider the proposal in the Localism Bill for the referendum to take place at the end of what is likely to be a long and expensive process to be misguided. There should be a requirement for there to be a referendum on the principle of the approach at the beginning of the process to avoid abortive and costly work.
- **Planning for Housing** – we have a number of serious concerns about the requirement for Local Plans to meet “the full requirement for market and affordable housing”. Local discretion, balanced with other local sustainability considerations, needs to be built in. We are particularly concerned that SHMAs are not the appropriate vehicle for determining such local requirements since they tend to identify aspirations rather than need. The published advice needs radical overhaul.
- **Duty to Co-operate** - We are most concerned about the practical implications of the suggestion that the unmet needs of one authority might (voluntarily) be met by a neighbouring authority. This whole approach seems fraught with difficulties, especially bearing in mind neighbouring authorities are likely to be at different stages in their local planning processes.
- **Windfalls** – we continue to be extremely concerned at the inability to count windfalls for the first 10 years of housing supply and this is now compounded by the quite arbitrary requirement to identify 20% more housing than necessary in any 5 year period. In our case, this could amount to more than 40% over-supply of housing during the plan period and potentially the unnecessary and premature release of greenfield land.
- **Green Belt** - it is disingenuous of the Government to suggest that it is continuing to protect the Green Belt when meeting housing requirements in full without incursion into the Green Belt will be impossible for some Green Belt authorities.
- **Employment Land** - We are most concerned at the suggestion in para 75 that land should no longer be safeguarded for employment purposes. This seems at odds with the whole thrust of the rest of the document. In Annex B we suggest

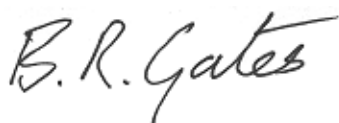
some more appropriate alternative wording which would only allow such changes to be made through the development plan process.

- **Brownfield Land** –the overt presumption in favour of developing brownfield sites in preference to greenfield land should be reinstated as a basic principle of sustainable development.
- **Countryside** - We are concerned that there is nothing in the NPPF that seeks to protect the countryside for its own intrinsic qualities, including the importance of agriculture in the local rural economy, or recognises that it is not only national designations that need to be protected.
- **Enforcement** – This is conspicuous by its absence. This is an important component of Development Management that needs to be addressed.

We have tried to approach our response to the consultation in a constructive way and hope that you will find the detailed suggestions set out in Annex B to be helpful. In general terms, we welcome the consolidation of national planning policy into a single, concise document, but as written, the tone and emphasis of the document appears to lean too far in favour of meeting the needs of the development industry at the expense of environmental and social objectives. The implication of this balance being wrong is that the NPPF will fail to achieve its ultimate goal of creating sustainable development.

In conclusion, my Council would wish to support the submission made to you by the Kent Forum and by the Kent Downs Area of Outstanding Natural Beauty Unit. It also has sympathy with the views expressed by the South East LEP Rural Sector Champion in relation to agriculture, the rural economy and food security and these points are reflected in the attached submission.

Yours sincerely



Brian Gates
Chief Planner (Policy)

cc Rt Hon Greg Clark MP
Rt Hon Sir John Stanley MP
Miss Tracey Crouch MP
South East LEP
District Councils' Network