

Draft
National
Planning
Policy
Framework

The ETA's response



Draft National Planning Policy Framework

The Environmental Transport Association's Response - October 2011

Executive Summary

This document is a response by the ETA Trust (the ETA) to a ministerial invitation to organisations and individuals to offer our suggestions on what priorities and policies we might adopt to produce a shorter, more decentralised and less bureaucratic national planning policy framework.

The ETA welcomes the comprehensive review of planning in this country – it was long overdue. Land-use planning is considered a dry subject, of little interest to most people. However, the ETA believes that if we had no planning law then lack of planning would be considered our number one problem today. Or put it another way: the planning process could always be improved but do not underestimate the quality planning that we have today. Some things are only missed once they have gone.

The ETA believes that the draft National Planning Policy Framework report (NPPF), born as it is in the depths of economic uncertainty, is flawed because of the British government's erroneous belief that current planning law is preventing the people of England from achieving wealth and happiness.

List of ETA Recommendations

1. The **ETA recommends** that the NPPF be reset as neutral in terms of development – not in favour nor against.
2. The **ETA recommends** that the NPPF indicates what level of population for England it considers that it is aiming to accommodate.
3. The **ETA recommends** that NPPF goals include health, safety, economic wealth and environmental protection not growth per se.
4. The **ETA recommends** that the planning system should not be used as a blunt tool to ‘proactively drive development’.
5. The **ETA recommends** that phrases like “where practical” and “where reasonable” be made far more robust.
6. The **ETA recommends** that, apart from primary industry and very exceptional circumstances, all development must be adjacent to an existing urban area.
7. The **ETA recommends** that the planning for a five year supply of land is for local demand only.
8. The **ETA recommends** that the requirement to identify an additional 20 per cent of land should be dropped.
9. The **ETA recommends** that green field developments are phased in line with transport infrastructure.
10. The **ETA recommends** that the NPPF clarifies of whom neighbourhoods consist and why non-government neighbourhood bodies can effectively give planning permissions.
11. The **ETA recommends** that financial payments should not be a material consideration in planning decisions.
12. The **ETA recommends** that the requirement to grant permission where a local plan is out-of-date, indeterminate or silent, is irresponsible and must be removed.
13. The **ETA recommends** that there should be a limited third party right of appeal in circumstances where consent is granted for development that is believed to be inconsistent with the local plan.
14. The **ETA recommends** that communities have genuine power to shape their town/village for the better.
15. The **ETA recommends** that it be a core principle of the reforms that any plans, whether at parish or county, should be genuinely community led.
16. The **ETA recommends** that development on farms be limited to fundamental requirements and not to allow, for example, barn conversions to offices and housing.
17. The **ETA recommends** that schools as high-use facilities should be built at or near the centre.

18. The **ETA recommends** that research good practice be undertaken by as many different organisations as possible through as many funding routes as possible.
19. The **ETA recommends** that the British government issues good practice information to developers, county and parish government and the public at large.
20. The **ETA recommends** that reinstated parishes be based on those that were abolished with modifications where necessary.
21. The **ETA recommends** that the NPPF looks to the parish as the primary unit for land-use planning decision making.
22. The **ETA recommends** that land-use planning is shared between parish and county government and is removed from districts and unitary authorities.
23. The **ETA recommends** that the NPPF include an extra core principle that developmental density increases towards the centre of town.
24. The **ETA recommends** that the NPPF include an extra core principle that towns maintain a general balance of night time and day time populations.
25. The **ETA recommends** that the NPPF include an extra core principle that towns could not develop to a size greater than 1,600m across.
26. The **ETA recommends** that the NPPF include an extra core principle that towns develop their transport infrastructure in tandem with land-use changes.

1.0 About Us

The ETA Trust is a charity whose aim is *"To reduce the impact transport has on the environment by raising public awareness of sustainable transport issues, influencing individuals, companies and transport policy decision makers, and working jointly with a wide range of organisations to provide educational material"*

The ETA Trust is funded by its supporters and the ETA. The ETA provides emergency medical and breakdown care, insurance and other services to people on the move. Together these organisations are known as the Environmental Transport Association with over 40,000 members, supporters and customers throughout Britain.

2.0 Introduction

The new British government has decided to develop a national planning framework. The **ETA welcomes** this decision and this paper is the response to the government's invitation to contribute. This paper is divided into sections: setting the scene; identifying the problems; delivering results; providing the services; government - who does what and why; and, finances. The final section answers the questions in the consultation paper.

3.0 Setting the Scene

Land is the bedrock of our society. How land is used matters greatly to people. How land is used hugely affects those who, on the face of it, do not care about such matters. Since Magna Carta and more specifically the Charter of the Forests 1217 the English people have been very mindful of their rights over the land. In recent times this has been most manifest in the Town and Country Planning Act 1947 as amended. The cornerstone of this paper is that transport is a vital ingredient to land use and, as such, any framework for land-use planning is required to reflect both the impact that development has on transport requirements and the impact transport has on development.

Putting aside the difficulties that a government representing the whole of Britain has when applying new law to England alone, changing the law during a period of serious economic difficulties can lead, if not handled carefully, to a set of guidelines which fail to meet the needs of the long term because those creating the new laws are understandably concentrating on the needs of the moment. By its nature, land-use planning is a long term and every effort should be used to think strategically and take the long view.

The ETA applauds the goal of making land-use law and guidance simpler to understand and to use but the ETA cannot stress enough that planning law is no Gordian Knot ready to hack through with one strike of a sword. Any action might have unintended consequences – a dramatic action might have grievous unintended consequences.

It is understandably tempting for the British government to look at land-use planning through the prism of economic growth. The ETA believes such

temptations should be resolutely resisted even against the encouragement of lobby groups - including house builders and industrialists.

The ETA believes that any land-use planning framework has to be built on the cornerstone of public decision making at the most local level. Failing to base decision making at the local level is, at best, failing to utilise the imagination and drive of local people to achieve townscapes and landscapes of quality and beauty and, at worst, damaging to the continued success of our society.

4.0 Identifying the problems with the NPPF.

4.1 Definition of Terms

The key problem with the NPPF is the lack of clarity. This is shown by the lack of rigorous definition of “Sustainability”. In his introduction the minister says *Sustainable* means ensuring that better lives for ourselves don’t mean worse lives for future generations.

The NPPF states that *“The purpose of the planning system is to contribute to the achievement 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”* (9). The “contribute to the achievement of” is the weakest possible wording and is unenforceable.

This is not sustainable development (as defined in the Britain’s 2005 strategy), nor does the NPPF recognise environmental limits. The NPPF has been welcomed by the development and housing industry because it is heavily pro-growth. Because it is much shorter than the guidance that went before a lot of detail that was useful in supporting sustainable development has gone.

The planning system according to the NPPF is supposed to allocate the right sort of land in the right places for growth. The policy fails to recognise environmental limits, and fails to promote sustainable economic activity rather than growth. It goes on to say *“A positive planning system is essential because, without growth, a sustainable future cannot be achieved.”*

In contrast PPS1 said: *“development plans should ensure that sustainable development is pursued an integrated manner, in line with the principles for sustainable development set out in the UK strategy”* and *“plan policies and planning decisions should be based on: - recognition of the limits of the environment to accept further development without irreversible damage”*.

In several parts of the NPPF the phrase “where practical” or “where reasonable” is used. The **ETA recommends** that phrases like “where practical” and “where reasonable” to be made far more robust.

4.2 Presumption in favour of sustainable development

The NPPF is predicated on the false assumption that change is a good thing. Flowing from that assumption it is considered that those who want to make

changes have little to prove and those who wish to conserve what we have must robustly defend their cause. (13)

Land-use planning like justice needs to be neutral: not only that - it must be seen to be neutral. Developers should not be considered the accused with the presumption of innocence and the onus placed on others to show that a particular development is wrong. Nor should objectors be considered innocent with onus placed on developers to demonstrate beyond reasonable doubt that a development is right.

Like civil law an argument has to be settled on its merits – with the balance of probabilities. The merits are based on an accumulation of knowledge as to benefits and costs of change over the status quo. Therefore the **ETA recommends** that the NPPF be reset as neutral in terms of development – not in favour nor against.

The ETA does not believe that growth is a good thing. A growing population is not necessarily a good thing. It might be a bad thing. A planning system that is predicated on population growth being a good thing is as valuable as believing that population growth is a good thing. And if population growth is a good thing at what level of population would further growth not be a good thing – an England of 80 million, 120 million or 200 million? Conversely population decline could be a good thing but at what point would it become a bad thing: an England of 20 million, 2 million or 2 people? Whilst the ETA does not suggest that land-use planning is a suitable tool for population management neither should land-use be based upon an assumption that growth is a good thing. The **ETA recommends** that the NPPF indicates what level of population for England it considers that it is aiming to accommodate.

4.3 Governance

The NPPF (17, 49-51) encourages the development of neighbourhood plans. In rural areas this process can be undertaken by parish governments. However, most people in England live in urban areas that lack such local government. Reliance on neighbourhood forums, as the NPPF suggests, is, at best, ineffectual and, at worst, undermining of local control. Although the majority of England has parishes (their being retained in rural areas) the majority of English people do not have parish government (their having been abolished over time in urban areas). The urban areas would need to have parishes reinstated. The **ETA recommends** that reinstated parishes be based on those that were abolished with modifications where necessary.

People recognise places not government conceived districts. They recognise their county and their village or town. This should be reflected in the way that land-use planning is delivered. The **ETA recommends** that the NPPF looks to the parish as the primary unit for planning decision making.

Of course, parishes of themselves could not work in isolation. A broader canvass will need to be developed by the county, most notably for transport reasons, in conjunction with the parishes. The ETA sees little role for districts as they are either too big to be local or too small to be strategic. The **ETA**

recommends that land-use planning is shared between parish and county government and is removed from districts and unitary authorities.

4.4 Core Planning Principles

In addition to the changes that we would make to the basic premise of the NPPF we would add three other principles that, in our view, would need to be included if human scale developments were to be encouraged.

The first is that, in broad terms, intensity of development should increase towards the centre of the town. In other words, the developments that have the most people arriving in a day would be in the centre – shops, libraries, hospitals, schools and offices - and the developments that have few people arriving would be at the edge – larger homes. This would mean that large shopping developments, business parks or leisure complexes could only occur in the centre of town and not on the edge or out of town. The **ETA recommends** that the NPPF include an extra core principle that developmental density increases towards the centre of town.

The second is that a town should, in broad terms, maintain balance of night time and daytime population with amenities to match. A village near a motorway junction could not therefore justify a large business park which would make its day time population many times larger than its night time population. Similarly large housing estates could not be created where there was no employment. This does not mean that developments have to be mixed but that overall the town would be in balance. The **ETA recommends** that the NPPF include an extra core principle that towns maintain a general balance of night time and day time populations.

The third principle, more of a condition, is that towns could not develop beyond 800m of the town centre – more of this later. This is to ensure that, over time, all people will be able to walk to the town centre from their home and also walk to the countryside. This will give people a demonstrable sense of being part of a community distinct from their neighbouring communities. There would be no ribbon development or coalescing of suburbia. The ETA recognises that many towns are currently larger than this size but measures can be introduced to transform these over time. Therefore the **ETA recommends** that the NPPF include an extra core principle that towns could not develop to a size greater than 1,600m across.

The final extra core principle that the ETA believes should be added is that in line with development towns must provide transport infrastructure between their centre and those of their neighbours that are commensurate with their size. Whereas walking and cycling would be the norm within a town because distance would not be too great and speeds limits would be at 20mph, travelling between towns by such methods would not be so easy. In the first instance, safe cycling routes would be required, thereafter bus routes and once towns reach their limit trams and train services – depending on the transport through put. The **ETA recommends** that the NPPF include an extra

core principle that towns develop their transport infrastructure in tandem with land-use changes.

4.5 Plan Making

Our reading of the NPPF is that it presupposes a planning system ready formed for the objectives that it has set. This appears not to be the case. The current system has been created through incremental change over many years. The new framework has a radically different outlook. Moving from one state of affairs to another will take time which the NPPF does not seem to recognise. Coupled with the assumption that consent to develop must be given if plans have not been certified could mean that we face, in the short term at least, a period of unrestrained development which could take many decades to bring back into balance.

A simple presumption in favour of sustainable development would, in the ETA's view, indicate that an application should be granted unless objectors could prove it was contrary to 'sustainable development', thereby shifting the burden of proof to local communities and others concerned about the impact of development. This issue of the burden of proof was clearly observed in relation to the general presumption in favour of development that existed in planning until the early 1990s. We are concerned that the return of a vaguely defined general presumption would often favour developers, particularly large multinationals, at the expense of community interests at a local level. There is therefore a particular potential for tension between the proposed presumption and the Ministerial intention for the NPPF to be 'localist'.

"The presumption turns this expectation into policy – a policy that works with the existing plan-led approach, by emphasising the role of up-to-date development plans in identifying and accommodating development needs. Where those plans are not up-to-date, or do not provide a clear basis for decisions, the policy establishes the clear presumption that permission should be granted, provided there is no overriding conflict with the National Planning Policy Framework as a whole." (17).

This presumption is very powerful, and effectively removes community input from the development management part of the planning system. The development will most likely be approved regardless of community objection. As the developers know this, there is also no incentive for developers to engage with communities in putting forward development proposals – they no longer need to in order to make their development more acceptable.

It will also encourage speculative development where there isn't an up-to-date local plan – many local governments have not yet managed to finish their local plan. In those areas, only the NPPF applies as guidance.

In the section on development management, the NPPF states that local government must: *"attach significant weight to the benefits of economic and housing growth"* (54). The aim of development management it seems is to increase the level of development approved. It then states that *"Local Plans,*

incorporating neighbourhood plans where relevant, are the starting point for the determination of any planning application.” (62). But it then continues with: *“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”* (63). So while the starting point may be the local plan, even departure applications could argue that their development is “sustainable” and therefore should be approved. This will however be open to challenge, as the plan is a legally binding document.

Both planning obligations and conditions are to be used only when the development would otherwise be unacceptable, and introduce the issue of viability into the use of obligations. This raises the bar, and could reduce local government’s ability to address adverse impacts from developments (69 and 70).

It also seem that the ability for local people to modify local or neighbourhood plans is severely restricted because the test for rejecting pro-development local or neighbourhood plans is also set too high and is too vague: “plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (20). Neighbourhood plans will only promote more development and not less compared to the wider local plan (17).

Local plans are required to have a certificate of conformity with the NPPF. In its absence, or the absence of an “up-to-date and consistent” local plan, planning applications will be determined in accordance with the NPPF. In those circumstances, the NPPF will take precedence over local development plans, where full consultation has occurred (26). There is a lack of clarity about what ministers expect to happen with this process and the extent to which they expect existing local plan documents to be rewritten. There is also the danger that counties will rush through local plans which are inadequate. In reality, we expect that many developments over the next few years will be judged against the NPPF but it is not fit for this purpose.

The **ETA recommends** that the requirement to grant permission where a local plan is out-of-date, indeterminate or silent, is irresponsible and must be removed.

In order to protect the public the **ETA recommends** that there should be a limited third party right of appeal in circumstances where consent is granted for development that is believed to be inconsistent with the local plan.

Neighbourhood plans have to be in conformity with the strategic policy in local plans, but can plan for more development. However they also take precedence over local plans: *“when a neighbourhood plan is made, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.”* (51). This is open to challenge as it is legally unclear.

It is current practice for the local plans to be drawn up by districts (or boroughs in the larger urban areas). These are too remote for most people to consider them local and, in general, too small for more strategic (mainly transport) needs, whereas a town or village is identifiable and is understood to be local. A government of such a town or village, known as a parish government would have the concerns of its people at the centre of its thinking. These local plans would be set within a context of the county plan.

4.6 Evidence Based Planning

Although in modern times there is always a call for basing decisions on the evidence, even if there is agreement on the evidence, it does not mean that everyone will draw the same conclusions from that evidence. It appears that the NPPF assumes that if house prices are high then more land must be made available to increase the housing stock and thereby reduce house prices in relation to incomes (27).

Whereas it might be considered incumbent upon local government to ensure provision is made to house their own population it does not necessarily mean that they are obliged to provide housing for others. It might be that their careful planning has meant that their town is more desirable to outsiders. Building more could, indeed often would reduce the value of what has been created so far. Therefore, the local plan should consider the demographic changes and the day/night population imbalance, if any, of the town but the local plan should not have to take into account migration. Be aware of the demand, yes, but not necessarily meet it.

The NPPF requires that local plans “take account of the need for nationally significant infrastructure within their areas” (31). This should not be a one way street. Likewise nationally significant infrastructure should take account of the needs of localities within their plans too. Transport infrastructure, not only impacts local people as it passes, it can dramatically affect localities as new access points bring new pressure to bear.

4.7 Planning strategically across local boundaries

The NPPF correctly emphasizes the need for local government to co-ordinate between the local and county levels and between neighbouring counties (44). However, many boundaries bear little relation to current travel to work areas, some planning authorities completely surround others and many unitary governments are simply too small for strategic work. Although outside the brief of the NPPF, it is time that a comprehensive two-tier local government system be introduced: one that was design to serve the people rather than the upper echelons of local government.

4.8 Neighbourhood Development and Community Right to Build Orders

The NPPF appears to allow neighbourhoods to deem themselves planning permission (65). It is dangerous enough for any level of government to deem itself planning permission but for an ill-defined neighbourhood body to do so seems dubious. The ETA would have the local plan determined by the parish government and therefore no neighbour bodies would be required. The **ETA**

recommends that the NPPF clarifies of whom neighbourhoods consist and why non-government neighbourhood bodies can effectively give planning permissions.

4.9 Planning for Prosperity

Planning for prosperity is rather like planning for motherhood and apple pie. Few people would argue against such an idea. England is already a prosperous place, more than it has ever been in its history. The prosperity might not be spread very evenly but it would be hard to deny that England is already prosperous. There might be urgent need to restructure the economy but loosening the land-use planning guidelines can provide a whole host of unintended consequences – rather like the light touch of the finance sector of the recent decades (71).

The ETA would argue that current planning law has little impact on England's ability to hold its own in the global marketplace – providing an excellent education system would have a far greater effect than changing planning. Notwithstanding that every little helps a looser planning regime could undermine efforts made elsewhere.

Although the concept of a low carbon future is mentioned in this paragraph there is little in the NPPF that reinforces that espoused desire. Indeed, the biggest benefit that land-use planning can have on a low carbon future is the impact it can have on transport demand by carefully managing location decisions. A looser planning regime will, if anything, hinder the goal of a low carbon future.

The Conservative party made much of the importance of town centres before the election. In *Open Source Planning* published in February 2010, they said:

“The Labour Government has now changed national planning rules on retail development (through a document called PPS4) and has scrapped the “needs test”, which requires developers to prove the need for additional out-of-town development. The needs test gives local governments power to control out-of-town development and allows them to focus regeneration and development on their local high streets.

“We will undo Labour's changes to planning rules which have weakened councils' ability to stop unwanted out-of-town development. We will ensure that a needs test is readopted, and will enable local councils to take competition issues into account when formulating their local plans.”

Promoting the vitality of town centres and meeting the need for accessible retail services remain objects of planning policy. The needs test, which required developers to demonstrate a need for out-of-town retail development has not been re-introduced despite this previous undertaking.

While the sequential test, which requires local government to ensure that town centre sites, or failing that, edge of town sites, should be used before out-of-town sites can be considered, has been retained for retail and leisure development, it is no longer to be applied to office development. Henceforth

it is likely therefore that office development and business parks will be located in out-of-town locations inaccessible by public transport, such as motorway junctions, where it will generate traffic and aggravate congestion on the road network (77-78). In addition, the weaker tests for assessing the transport impact of new development in the transport section of the NPPF compared to current policy could allow for more inappropriate locations for distribution centres which will add to congestion.

The NPPF states that the expansion of town centres, edge of centre sites and out of town policies should all be identified in the local plan. The impact of larger retail developments has to be assessed in terms of local consumer choice, viability and vitality of the town centre (80). This leaves out the detail in PPS 4 policy EC4.1 which recognised the need to support “*shops, services and other important small scale economic uses (including post offices, petrol stations, village halls and public houses) in local centres and villages*”, the retention and enhancement of existing markets, and the established character and diversity of town centres.

Local and neighbourhood centres, which can be reached on foot and by bicycle and are vital in reducing the length of journeys, are not mentioned in the framework.

In support of the rural economy, most of England’s land area but very little of its population, the NPPF could be seen as encouraging development anywhere that could bring new employment (81). Although, it is more jobs rather than more housing that afflicts rural areas, the ETA believes that, unless the location has to be sited in a specific place, all none-primary industry employment be sited in villages and not on farms or other remote places. The **ETA recommends** that development on farms be limited to fundamental requirements and not to allow, for example, barn conversions to offices and housing.

4.10 Transport

Transport plans and land-use plans should be two sides of the same coin. The NPPF does not emphasise this self-evident truth. The loss of PPG13 (42 pages) and its replacement with only two pages appears to suggest that the British government does not understand the significance of this problem.

The vast majority of people live in urban areas and most people do not have their own car. Although access by car is desirable, development plans need to be based on access for those not using a car. Development of new facilities should go hand in hand with the development of new transport infrastructure.

The first of the two stated objectives of transport policy is to support the economy. Disturbingly, improving quality of life, reducing social exclusion and other social considerations are not mentioned (84).

The NPPF recognises that some policies and proposals will not “maximise sustainable transport solutions” (82). Again the commitment to sustainable

development is heavily qualified: the NPPF supports a pattern of development which facilitates the use of sustainable transport but only “where practical” or “where reasonable to do so” (83). In certain situations development that maximises walking, cycling and public transport travel is not required. “Planning policies and decisions should consider whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site” (86).

Planning policies and decisions that minimise the need to travel and maximise walking, cycling and public transport are compromised by being required to take into account “policies set out elsewhere in this framework” (for example those in support of economic development) (88).

Policy that development should be located and designed to give priority to pedestrian and cyclist movements, minimise conflict between traffic and cyclists or pedestrians and consider the needs of disabled people is qualified by the phrase “where practical” (89).

In addition, to be meaningful, the NPPF needs to say that travel plans should include targets for mode share. This does not necessarily need to cross the localist agenda as these could be set by local government, but they need to be included if travel plans are to be effective (as the evidence shows).

Evidence also shows that provision of parking is important in determining travel patterns. Maximum parking standards for commercial development have been shown to be effective, particularly when allied to travel plans, in promoting development that enhances rather than undermines town centres and minimizes single occupancy car use. National car parking standards, part of PPG 13, are not mentioned at all in the framework. They also have been abandoned and will be determined locally. Planning authorities will be free to set minimum standards if they wish. (They will also be free to set their own density standards, see under housing below).

The door is therefore to be left open for traffic generating developments with large amounts of car parking.

“When setting local standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development
- the type, mix and use of development
- local car ownership; and
- an overall need to reduce the use of high-emission vehicles” (93)

DCLG put out a press release on the changes to parking policy on 1 August, saying that standards on parking “will be scrapped”, which effectively prejudices the consultation. This ignores the research that shows that parking is not the key to revitalising our high streets, and that town centres need to concentrate on the quality of the shopping experience rather than on providing parking if they are to compete with out of town shopping centres.

The NPPF even proposes that it should be difficult to turn down an application that would result in higher levels of traffic and congestion. The test for the rejection of development on the grounds of transport impact is demanding: “development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account” (86).

On the other hand the NPPF does include a policy requiring local government to aim for a mix of uses “to minimise journey lengths for employment, shopping leisure, education and other activities” (91). It also stipulates that: within large-scale developments particularly, “key facilities such as primary schools and local shops should be located within walking distance of most properties” (92).

There does not appear to be any safeguarding of disused rail lines. Whilst it is unlikely that all old lines will be reinstated, there is a need to assess the merits of each disused line and protect them from permanent development.

4.11 Housing

“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” (107). Of course, this is not a realistic aspiration and is therefore nonsense. Each part of the sentence is possible and achievable with great effort but when all put together it is not so. No amount of house building, of itself, can achieve such a goal.

It is a matter of judgement but most houses built today in England are not of a high quality; unless the word “high” means only “acceptable” – if that. High is a relative term and should be used judiciously.

The requirements for development to occur on brownfield land and to locate development in, or adjacent to, existing urban areas appear to have been abandoned. Policies to ensure housing development is located in, or near, existing built areas are weak (19, 126). The **ETA recommends** that, apart from primary industry and very exceptional circumstances, all development must be adjacent to an existing urban area – urban as defined in 4.13 above.

There are no longer any national density standards and instead “Local planning authorities should set out their own approach to housing density to reflect local circumstance” (109). This means it will be more difficult to create the high quality, compact and walkable neighbourhoods that can support local shops and services.

The NPPF policy on housing requires local government to plan for a growth in housing development. In particular it states that if the local government has not identified sufficient suitable sites that “*Planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five-year supply of deliverable*

housing sites.” (110). Local governments have to identify more sites than are required for development. This will put immense pressure on certain areas.

The ETA believes that just as the British government claims the right to determine who may reside in England, counties and towns have the right to determine the level of provision required for housing in their town/county. Just as Britain is not obliged to house the world, counties should not be obliged to plan to house anyone in England who might want to live there. In other words a town or county may be obliged to plan for an increase in its own population or changes in household size but not cater for migrants if it does not want to. So where the NPPF requires that a five year supply of land for housing should be plan for the **ETA recommends** that the planning for a five year supply of land is for local demand only. The **ETA recommends** that the requirement to identify an additional 20 per cent of land should be dropped.

The section on housing does not list specific criteria as to the type and quality of housing expected, or the need to address associate development issues in order to deal with climate change, resource use, inclusive design and accessibility (such as the needs of children) as there is in PPS 3. In general, PPS 3 makes the link between housing and social and environmental issues in a way the NPPF does not: *“Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly new housing developments, including affordable housing developments, and in doing so should reflect the approach set out in the forthcoming PPS on climate change, including on the Code for Sustainable Homes.”*(15, PPS 3).

4.12 Design

The sections on design restrict local governments abilities to “promote the highest standards of architecture and design”, which was promised in the Conservatives Open Source Planning document before the election.

The examples of heritage and efficient use of land also point to what for the ETA is a fundamental outcome of planning, and which should be explicitly stated in the NPPF: a commitment to improve the quality of development, and increase beauty and tranquillity. Oliver Letwin MP, the now Minister of State at the Cabinet Office, argued in 2005 that politics should take the beauty of the natural and built environment into account. This in turn builds on British government campaigns to promote better quality development through the planning system, going back to the *Quality in Town & Country* campaign launched by the then Secretary of State for the Environment, John Gummer, in 1995.

The planning system has been the most important tool of constructing a publicly supported concept of beauty and achieving this through public policy over many years. This is seen not only in the designation of Areas of Outstanding Natural Beauty and other areas of protected landscape and townscape, but also in more recent years through growing powers for planners to secure good design in the built environment. Tranquillity is

increasingly used to measure the quality of experience in nationally designated landscapes.

We believe that a firm commitment in the NPPF to safeguard and promote beauty and tranquillity would be a powerful demonstration of Britain's commitment to the European Landscape Convention. It would contribute powerfully towards other British government public five policy goals in areas such as education and health. It should be reflected in the related current British government initiative to develop measurements of national well-being.

From a transport point of view, this section should also consider the design of streets and the public realm, and their transport implications (consistent with Manual for Streets (1 and 2). It should include reducing clutter and the potential for "filtered permeability" to give higher priority to pedestrians and cyclists, which would be consistent with the transport section (89). In particular, this means prioritising people over traffic in the design of development and the allocation of road space.

More recently, British government policy has led to a focus in planning on the efficient use of land for new housing and other development. 80% of all new housing in England in 2008 was built on previously developed land and at an average housing density of 43 dwellings per hectare; these have been on a consistently upward trend since 1990. Land recycling and dwelling density have been expressed not only in national planning policy but also as indicators in the Sustainable Development Strategy, and so are key aspects of sustainable development. There have been some difficulties with implementation of the brownfield first policy at the local level but these should not mask its overall achievements in contributing to the economic renaissance of a number of cities across England, and protecting key environmental assets such as nationally protected landscapes, nature conservation sites, Green Belts and high quality agricultural land.

4.13 Sustainable Communities

Localism should be real: the **ETA recommends** that communities have genuine power to shape their town/village for the better. It is fundamentally wrong that neighbourhood plans should be led and funded by business. The **ETA recommends** that it be a core principle of the reforms that any plans, whether at parish or county, should be genuinely community led.

To stop the seemingly relentless devouring of our countryside without halting the economic growth which people crave, a planning system needs to contain elements which will allow flexibility within an overarching structure. One such element is the physical sense of belonging to a place that demonstrably has edges. A place that is clearly separate from its neighbour. So as one walks from the centre of one town to the centre of another, one has to pass through countryside. Each town is governed for and by itself. This is localism. Everyone would know by their own physical experience when the

moved from a place governed by one government to a place governed by another.

To this end the **ETA recommends** that, although the current planning classes system remains intact, there be three basic land categories: urban, suburban and rural. Urban land would be that which is within 800m of a settlement centre; suburban land would be developed land outside of urban areas; and rural land that which is outside urban and suburban areas. The division between urban and suburban land would be determined by the distance from a settlement centre; the division between suburban and rural would be the planning use to which the land has been put (or has planning permission for). In urban areas, development would be allowed to proceed with the permission of the town government - sites of county, national and international importance would be safeguarded. Permission from neighbouring towns might be required should the proposed development be seen or heard from those towns. In rural areas (over 800m from a village centre) only development for farming, forestry and mining and for the protection of wilderness would be permitted.

Development in the suburban land category would require planning permission from the town government in a similar fashion as in urban areas. However, before that permission could be sought, the applicant would have to purchase the "right to develop". For example, if a developer wished to build new offices on land designated as suburban they would have to purchase old offices of greater floor space and plot size within the suburban area of the same civil parish and convert them to a lower class of development (for example, residential). To gain permission to make such a conversion the developer would have to purchase old residential properties which exceeded the floor space and plot size within the suburban area of the same civil parish and convert them to a lower class of development or to agriculture. Once the class of land is defined as agricultural the land category changes irrevocably to rural.

In fact, a developer would not need to undertake such complicated actions as a market in such "rights to develop" would develop. Indeed, even a futures market in "rights to develop" could occur for the larger towns and cities.

The British government should recognise that 'local' and 'community' are not always synonymous in terms of opinions or interests, as PPS1 (42) presently recognises. A particular illustration of this in planning is in the way that protection of the historic environment has evolved, whereby pressure from nationally based civil society bodies in the 1960s and 1970s led to the abandonment of damaging local planning policies in cities such as Bath and the better protection of historic buildings and archaeology. The stronger recognition of heritage assets that has evolved from such campaigning has meant that England retains a healthy historic environment, including an increased number of World Heritage Sites, the stewardship and economic value of which is of key importance to the relevant local governments as well as the nation.

The section on sustainable communities sets out welcome policies on planning to provide accessible local services, to prevent the loss of valued facilities meeting the community's day-to-day needs and to create accessible development "containing clear and legible pedestrian routes, and high quality public space" (124, 125 & 126). However, it does also envisage large scale development in, perhaps remote, less sustainable locations. (126)

4.14 Schools

Our reading of the NPPF infers that it would be very difficult to refuse planning permission for school on the grounds of traffic and road safety impacts alone. The ETA believes that there should be no special cases with regard to transport impact and all high-use developments like schools should be treated in similar fashion (127).

As with all high usage developments, schools should be built as close to the centre as its individual usage requires. However, in areas of overspill, it would be practical for primary schools to meet the needs of the locality being served. It would be unlikely that new schools would be needed as development in overspill areas would be severely controlled. The **ETA recommends** that schools as high-use facilities should be built at or near the settlement centre.

4.15 Open space

The NPPF policy on open space is a policy of defence. Local governments will have to argue strongly to defend this open space against development:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the need for and benefits of the development clearly outweigh the loss." (129).

Rather than the community being empowered to protect their open space, the NPPF provides a way for developers to build on this space by demonstrating the need for and benefits of their development. While it may be possible for communities under the NPPF definition of local green space to protect areas, it is clear from the restrictions placed upon the use of green space that the British government does not want green space designations used to prevent development in open countryside: "The Local Green Space designation will not be appropriate for most green areas or open space." (131).

In contrast existing policy in PPG 17 states "Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans." It goes on to explain that open space can only be exchanged for other land of the same quality and accessibility if development is proposed.

The ETA believes that open space need to be available outside the towns for recreational use and that local plans should allocate such for its use.

4.16 Green Belt

The location of present and future development has a dramatic effect on traffic demand. Building at a low density increases traffic. For hundreds of years most people have sought to live on the edge of town. Until the industrial revolution only the rich could do so and by necessity the rest of the urban population lived cheek by jowl in the city centre. Since the arrival of first the train, then the bus, and now the car residential development has occurred to satisfy this demand. Unfortunately, a development on the edge of town in one decade becomes a suburb in the next as each generation leaps over the previous one to reach that elusive paradise. Even green belts, although relatively successful, have not been able to stop the onslaught of development.

Spreading development at ever lower density increases the demand for transport. For this reason the ETA believes land use planning and control is vital to improve the quality of life for all.

Following the introduction of the Metropolitan Green Belt before the Second World War most large conurbations have introduced green belts to control development. To an extent these measures have been successful. Although the NPPF does not seem to undermine the green belts concept, neither does it take the radical step of extending the principle of green belts across all England. Working on the basis that the ideal for any human is to be able to walk into their town centre from home with ease and also to walk from their home to the countryside, green belt should be in place in anyplace more than, say, 800m from a centre.

As with Green Belts, we believe that the NPPF should set out the location and general extent of National Parks and Areas of Outstanding Natural Beauty in a map form, as well as coastal designations (such a map appears in the present PPG20). National landscape designations have proved effective over many years at preventing damage from inappropriate development and facilitating habitat and landscape creation and restoration, as the Lawton Review has recognised. It is vital therefore that planning protection of them is maintained and that there is scope to expand such designations where justified. The ETA recommends that the NPPF explicitly references the European Landscape Convention (ELC) and the implications of this for planning. As required by the ELC, the NPPF should explicitly encourage the protection, management and planning of all landscapes, and not just those that have been nationally or locally designated. The overall approach to landscape should be driven by the objective to maintain and enhance the distinctiveness and quality of local landscape character.

4.17 Climate change

The section in the NPPF on climate change does contain some detail on the need to mitigate and address climate change impacts including the overall

need to “plan for new development in locations and ways which reduce greenhouse gas emissions;” (150).

However, if the presumption in favour of development functions then the policies that are set out here are not sufficiently directive or integrated with the policies on economic development, retail and housing to actually be implemented. The reduction of carbon emissions has to be explicitly set out in relation to new development rather than in abstract.

The positive identification of sites for renewable energy development required by the NPPF is welcome, “To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources.” (152).

In terms of adaptation, the policy allows for development to be considered in flood risk areas, with the following conditions: “development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed; and it gives priority to the use of sustainable drainage systems.” (157).

PPS 1 Supplement on climate change in contrast set out the precautionary approach to flood development: “take a precautionary approach to increases in risk that could arise as a result of likely changes to the climate.” The precautionary principle is one where the proposed development should either not be carried out, or only carried out with extreme caution.

4.18 High quality agricultural land

The arguments for protecting the green belt mentioned above apply no less, in the ETA’s view, to best and most versatile agricultural land. We recommend that the NPPF should provide stronger and less equivocal protection for such land than is provided in PPS7 at present. Wider sustainability considerations relating to agricultural land are in the ETA’s view currently best addressed through policies and programmes for environmentally sensitive land management, at least while changes in agricultural management remain outside the remit of the planning system.

4.19 Location of development

The ETA believes that transport and other infrastructure should be put in place in tandem with new development. This might mean that major developments are phased to allow the infrastructure is in place before development is finalised. Examples can be seen across Europe where trams and bus services begin before new housing is let or sold to ensure that new occupants do not feel obliged to begin travelling by car. This can be crucial to ensure transport modes generally adopted are the most benign possible. The **ETA recommends** that green field developments are phased in line with transport infrastructure.

The ETA does not agree with those who favour the use of brownfield sites first. This follows the ETA’s view that towns should not grow beyond 1,600m

in size. Therefore just because a locality has a brownfield site available does not mean that it should be used for development if it is more 800m from the centre. However, should a greenfield location within 800m be sought for development then the brownfield site outside 800m would need to be restored to an agricultural or other rural use.

5.0 General Suggestions

5.2 Research

Research is a vital part of any strategic policy. The **ETA recommends** that research be undertaken by as many different organisations as possible through as many funding routes as possible. The national government would have a role in disseminating the results of such research. For instance, the radical changes in this framework need to be evaluated and examined in detail before implementation takes place.

5.3 Publication

Results of research should be published as early as possible and in a variety of forms. It is just as important that schoolchildren can retrieve the latest thinking via the internet in a form which they find interesting and digestible as it is for planning experts and policy makers to debate the more arcane points. Freedom of information should ensure that government research is placed in the public domain to foster more research and enable better decisions to be made.

5.4 Guidance

The **ETA recommends** that the British government issues good practice information to developers, county and parish government and the public at large.

The ETA understands that the British government intends to incorporate all policies that it considers relevant from all existing CLG planning circulars and best practice guidance documents into the NPPF. It is likely that the slimming down of government policy may particularly affect the suite of existing CLG planning circulars and other guidance on planning good practice.

5.5 Regulation

The ETA agrees that the framework should have a light touch. This does not exclude the possibility of banning specified developments or developments in specified locations. Care should be taken that it is the undesirable outcome which is banned not some specific contributing factor.

5.6 Review

Government at all levels will need to review the strategy against defined goals. The **ETA recommends** that NPPF goals include health, safety, economic wealth and environmental protection not growth per se. Measuring these amorphous goals is not easy. For example, each goal will therefore require a number of measures which will be useful approximations. Each measure will require a target for the near, medium and long term.

5.7 Charges

If there was no development there would be no need for land-use planning. The cost of the service of providing permission should be borne by those seeking permissions. There are cases where local government could subsidize the process in part. Charges should be commensurate with the level and complexity of the development. The British government should ensure that comparisons could be made between the charges that various local governments levy including the rates charged for relentless applications.

Clause 130 of the Localism Bill, (Applications for planning permission: local finance considerations) should be removed. The **ETA recommends** that financial payments should not be a material consideration in planning decisions.

6.0 Conclusion

The main outcomes of the NPPF should, in the ETA's view, be:

- To give spatial expression to a coherent vision of England.
- To improve the quality of life by managing demand and reconciling differences in the public interest through integrating social, economic and environmental objectives.
- To secure public engagement in and ownership of choices over land-use change and development, and protect and renew communities.
- To encourage improvements in the quality of development, and to promote beauty and tranquillity, so people may be proud of where they live.
- To enforce regulations and international commitments on development, land-use change, and public engagement, including contributing significantly to delivering the British government's legally-binding carbon emissions reduction targets

The policies in the NPPF ranging from housing to transport to minerals are all underpinned by a drive to permit development and not by sustainable development principles that recognise environmental limits. The planning system did not lead to the collapse in the financial system, or the collapse in the housing market. But the planning system is being appropriated to drive unsustainable, poor quality growth of a certain type forward. This will be at the expense of communities and the environment. The **ETA recommends** that the planning system should not be used as a blunt tool to 'proactively drive development'.

The NPPF should be revised to set out a sustainable vision for England. It should recognise environmental limits as part of sustainable development, remove the presumption in favour of development, become neutral in the discussions over development and become truly local.

Questions raised in the draft National Planning Policy Framework document

- 1 Delivering sustainable development. The framework has the right approach to establishing and defining the presumption in favour of sustainable development.
The ETA strongly disagrees.
- 2a Plan-making. The framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.
The ETA strongly disagrees.
- 2d Joint working. The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.
The ETA agrees but believes that the local planning authorities geographical extent is not always fit for purpose. Some counties (unitaries) are too some county boundaries are bordering on the bizarre. There needs to a be change.
- 3 Decision taking. Decision taking in the policies on development management, the level of detail is appropriate.
The ETA neither agrees nor disagrees.
- 4 Any guidance needed to support the new framework should be light-touch and could be provided by organisations outside government.
The ETA agree
- 5 Business and economic development. The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.
The ETA strongly disagrees - 71-75 see 4.9 above
- 6 The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.
The ETA agrees but they have to be the correct policies in order to do so.
- 7 Transport. The policy on planning for transport takes the right approach.
The ETA strongly disagree. Whilst we agree that transport and spatial planning should be considered more carefully together, the NPPF fails to provide a consistent approach to transport and development and, as currently designed, the NPPF undermines efforts to reduce the impact that transport makes on climate change.
- 8 Communications infrastructure. Policy on communications infrastructure is adequate to allow effective communications development and technological advances.
The ETA neither agrees nor disagrees.

9. Minerals. The policies on minerals planning adopt the right approach.
The ETA neither agrees nor disagrees.
- 10 Housing. The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.
(107 -113) The ETA strongly disagrees – see paragraph 4.11
- 11 Planning for schools. The policy on planning for schools takes the right approach.
(127) The ETA strongly disagrees – see paragraph 4.14
- 12 Design. The policy on planning and design is appropriate and useful.
(various of your paragraphs) The ETA strongly disagrees – see paragraph 4.12
- 13 Green Belt. The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.
(127) The ETA agrees but it is not strong enough – see paragraph 4.16
- 14 Climate change, flooding and coastal change. The policy relating to climate change takes the right approach.
The ETA strongly disagrees.
- 14d The policy on renewable energy will support the delivery of renewable and low carbon energy.
The ETA strongly disagrees.
- 14f The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities
The ETA strongly disagrees.
- 14g The policy on flooding and coastal change provides the right level of protection.
The ETA strongly disagrees.
- 15 Natural and local environment. Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.
The ETA strongly disagrees.
- 16 Historic environment. This policy provides the right level of protection for heritage assets.
The ETA disagrees.