

# **DRAFT NATIONAL PLANNING POLICY FRAMEWORK: RESPONSE TO THE DEPARTMENT OF COMMUNITIES & LOCAL GOVERNMENT**

<b>Cabinet Member</b>	Councillor Keith Burrows
<b>Cabinet Portfolio</b>	Planning, Transportation and Recycling
<b>Officer Contact</b>	Jales Tippell – Planning, Environment, Education and Community Services
<b>Papers with report</b>	Appendix: Draft letter to the Department of Communities & Local Government Annex One: Hillingdon's response to the Consultation Questions

## **HEADLINE INFORMATION**

<b>Summary</b>	To respond to a request by the Chief Planner at the Department for Communities and Local Government to comment on a draft National Planning Policy Framework, which consolidates the current sets of national planning policy statements, guidance notes and circulars into a single document
<b>Contribution to our plans and strategies</b>	The contents of a single National Planning Policy Framework will impact upon the preparation and implementation of Hillingdon's planning policies, including the existing Unitary Development Plan Saved Policies and those in the emerging Local Development Framework.
<b>Financial Cost</b>	No financial implications arise directly from this report
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	All

## **RECOMMENDATION**

**That the Cabinet:**

- 1. Agrees the response to the consultation as set out in the Appendix and the accompanying Annex to this report, for submission to the Department for Communities and Local Government.**
- 2. Agrees to delegate authority to the Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, in consultation with the Cabinet Member for Planning, Transportation and Recycling, to make any minor changes required to the response before submission.**

## **INFORMATION**

### **Reasons for recommendation**

On 25<sup>th</sup> July 2011 the Minister for Decentralisation published a draft National Planning Policy Framework for public consultation. The introduction of the new Framework (with the accompanying deletion of existing national planning policies and guidance) will set the strategic context for local planning policies, and it will also influence the implementation of existing local policies. It is therefore vital that the content of the draft Framework takes account of the key issues affecting the borough. In light of this, a suggested response letter is included in the Appendix to this report, with further detailed comments in the accompanying Annex.

### **Alternative options considered / risk management**

The Cabinet may influence the proposals by:

1. Agreeing the proposed response in full or in part; or
2. Making any amendments to the response that they consider appropriate.

Alternatively the Cabinet may choose to make no response to the consultation. This option would not allow the Council any opportunity to influence the Government's proposals

### **Policy Overview Committee comments**

None at this stage.

### **Supporting Information**

#### **Background**

1. On 20th December 2010 the Minister for Decentralisation announced a review of planning policy statements, circulars and guidance with a view to producing a single National Planning Policy Framework. He invited organisations and individuals to offer their suggestions on the policies and priorities the Government should adopt to produce a shorter, more decentralised and less bureaucratic single National Planning Policy Framework. Officers submitted a response to this Consultation, which was endorsed by the Cabinet member for Planning, Transportation and Recycling on 15<sup>th</sup> March 2011.
2. On 25th July the Government published a draft National Planning Policy Framework and it has invited responses on this draft by 17th October, 2011. A separate consultation paper also accompanies the draft Framework, of which Section 3 contains a series of detailed questions on its proposed policies and the accompanying Impact Assessment.
3. The proposed Framework is divided into sections dealing with:
  - a) Delivering sustainable development
  - b) Plan making
  - c) Development management
  - d) Planning for prosperity (covering business and economic development; transport; communications infrastructure; and minerals)
  - e) Planning for people (covering housing; design; sustainable communities; Green Belt)

- f) Planning for places (covering climate change, flooding and coastal change; natural environment; and historic environment)

4. The key message from the outset in the draft National Planning Policy Framework (NPPF) is that the purpose of planning is to promote sustainable development. The NPPF states that proposed development which is sustainable should be supported by the planning system and go ahead without delay in the interests of national economic growth. Amongst its policy proposals the draft Framework states that:

- a) Local plans continue to prevail in the planning process when considering any development proposal, providing they are sound, have been adopted and are consistent with the NPPF.
- b) Local planning policies need to be up to date. Existing planning policies, currently the 2007 Hillingdon Unitary Development Plan Saved Policies, will need a certificate of conformity with national policy from the Secretary of State if they are to retain weight in the planning process.
- c) There will now be a general presumption in favour of granting planning permission, provided the development is sustainable, in cases where local planning policies are either out of date or absent, silent or indeterminate about a particular type of development.
- d) Local plans should be prepared on the basis that objectively assessed development needs should be met, with sufficient flexibility to respond to rapid shifts in demand or other economic changes.
- e) Councils are being encouraged to produce a single local plan for their area. These should not be accompanied by a variety of other guidance, e.g. supplementary planning documents.
- f) Office developments are no longer required to follow the “town centre first” rule, which still applies to proposals for retail or leisure development. Proposals are to be judged on their individual merits, taking account of their transport implications and the supply of / demand for offices in different locations.
- g) Councils need to identify an additional 20% of housing capacity beyond the existing five-year assessments which they have to maintain and roll forward.
- h) The national target of developing 60% of all new homes on “brownfield” land has been removed. It will now be for Councils to identify suitable development sites based on local circumstances.
- i) Councils are now free to set their own (non-residential) car parking standards based on local considerations. They no longer need to keep to the maximum national standards set out in PPG 13.
- j) Councils are asked to consider the availability and viability of local community facilities as part of the plan making process and to develop policies to prevent their unnecessary loss.
- k) Green Belt policy is generally maintained, although there are some significant amendments. These will allow development on previously developed sites which are not already designated as “major developed sites” in a development plan. A wider range of transport infrastructure will also be permitted, including Park & Ride schemes. Community Right to Build schemes will be permissible in the Green Belt if backed by the local community. Furthermore the right to alter or replace existing homes in the Green Belt is to be extended to all buildings.
- l) Councils will be able to designate locally important green space where land is not already covered by another formal designation and provided it is deemed to be important to local communities and requires additional protection.

- m) Councils are free to set their own decentralised energy targets, as long as these do not threaten the viability of development.
- n) The NPPF has significantly streamlined the policies in the existing Planning Policy Statement 5 on the Historic Environment, and thereby weakened them.

5. The draft Framework is intended to make overarching national planning policy priorities simpler and more easily understood by the public and other planning service users. It aims to make it easier for all stakeholders to understand how the Council's local planning policies put into effect those national priorities in order to achieve objectives such as more sustainable development, better design and economic growth.

6. Following publication of the draft National Planning Policy Framework, the Government has also asked for views on whether its recent draft policy on travellers' sites is consistent with the draft Framework and whether it can be incorporated within the final version.

7. Subsequently, on the 4th August the Planning Inspectorate advised Inspectors that the draft NPPF is 'capable of being a material consideration' at planning appeals and in the preparation of development plans. Officers will prepare an information note on the implications of the NPPF for the draft Local Development Framework Core Strategy as it approaches Submission to the Secretary of State.

#### Key issues arising for Hillingdon

8. The draft Framework gives great emphasis to economic growth, which is at the expense of social and environmental considerations. In doing so, it appears to imply that sustainable development is regarded as 'economic development that can be sustained'. As such a development would only need to be seen as contributing to growth, to be defined as sustainable. By encouraging economic growth in this way, officers believe that it is likely that unchecked and damaging development will result. Whilst growth is considered to be important, it would not be acceptable at all costs, because it is quality growth that matters.

9. There is a real concern that the draft Framework appears to have greatly reduced the significance of maintaining and enhancing the natural and historic environment. In terms of environmental considerations, it is vague, poorly drafted and starts from a negative standpoint, as if the Government is convinced that the historic and natural environment will get in the way of economic growth and sustainability. Officers consider that the draft Framework does not provide an effective national planning policy base on which to protect local biodiversity or ecological resources. Furthermore, the policy approach in Planning Policy Statement 5 has been seriously diluted regarding the historic environment, which is considered important in Hillingdon for regeneration, sustainability, leisure and tourism. Again, officers have concerns that this section of the draft Framework will be insufficient to support effective conservation work.

10. The streamlining of existing national planning policy statements in order to prepare a single National Planning Policy Framework has affected the direction of policy in some areas. This is highlighted in the Appendix and the accompanying Annex. Amongst the points made here are that the Framework should take into account the cumulative impact of traffic generated by development rather than look to evaluate the impact of major schemes alone; it is also not clear whether much technical detail in current national policy guidance on flood risk which is excluded from the draft Framework is to be re-instated.

11. The draft Framework does not include any maximum car parking standards, which were included in Planning Policy Guidance Note 13. Officers consider that the removal of these car parking standards should be supported. This would allow the Council to set a range of different standards for different types of uses across the borough, depending upon the availability of good public transport and local area character.

12. Officers consider that if the NPPF is to be the keystone for national planning policy, it should also contain the Government's key priorities for the pattern of growth to be delivered nationally. The draft Framework should state how much growth is to be delivered nationally, where and how, including developments of inter-regional/national importance. This would provide strategic guidance for the inter-relationship between regions such as London and the surrounding South East and East of England regions. The new Framework should also then include policies on items of major infrastructure, such as transport, health and education to guide national infrastructure investment, i.e. to inform investment and spending across Government. Without such spatial strategic policies and guidance, the Draft Framework lacks any clear vision.

13. The draft Framework concentrates on planning policies rather than spatial planning objectives. As a result, it remains unclear how London-wide planning policies inter-relate with those of the wider surrounding South East region, e.g. regarding the priority to be given to infrastructure provision, with the ramifications that this might have for local planning policies, especially in boroughs like Hillingdon which border a neighbouring region. The draft Framework simply expects local councils to co-operate on matters of mutual cross-boundary planning interest.

14. The reduction in the amount and number of national planning policy documents should in principle enable a greater understanding of the planning process for service users. It should also help clarify the background link to national policies underlying local Hillingdon planning policies. Unfortunately the policies in the draft Framework are so ambiguous and open to interpretation, that they do not assist in providing a robust National Planning Policy Framework (NPPF).

15. The draft Framework looks towards the simplification of local plans. Unfortunately it does not actually set out clearly what the new plan making process is to be. It is unclear whether the existing Local Development Framework (LDF) is to be replaced by a new Local Plan making process. The references to the Local Plan in the draft Framework imply that the LDF may move back more towards the former Unitary Development Plan system. It would be helpful if there was more clarity on this.

16. The draft Framework, in para 26, states that planning applications will be determined against the NPPF, including its presumption in favour of sustainable development, where there is no up to date Local Plan in place, meaning a Local Plan which is consistent with the NPPF. In such cases, this means that there is likely to be a presumption towards the granting of planning permission where the proposal conforms with the NPPF, because it will be difficult to argue that any proposal is unsustainable using the NPPF, as it only gives protection to sites of national or European significance. Officers consider that there should be interim arrangements in place to enable Councils to use their existing policies to determine applications, until they are able to produce adopted plans in accordance with the NPPF. In Hillingdon, the Unitary Development Plan is in the process of being replaced by the Core Strategy and other accompanying LDF documents are well underway. Unfortunately these documents are based

on the existing suite of national planning policies and guidance and therefore are likely to need to be reviewed.

17. The draft Framework states that the Local Plan should be strategic in nature and that the Neighbourhood Plans should include more detailed proposals. This approach implies that there will be good coverage of areas by Neighbourhood Plans, which may not actually materialise for some time. There is a likelihood that if Local Plans are to be strategic rather than detailed in nature, this will result in a weakening of local planning policies, and given the increased weight on economic growth in the NPPF, this could result in significant social and environmental harm at the local level.

18. The Government's proposals for Neighbourhood Plans, where the objective is to encourage residents and businesses to set the planning agenda for their immediate local areas, is welcomed in principle. In practice however this proposal raises a number of issues. Given that there are no details on how the plan making process is to be simplified, the Neighbourhood Plans appear to be an additional and complex layer.

19. The draft Framework states in para 50 that Neighbourhood Plans must conform with the strategic policies of the Local Plan. It goes on to say that Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan. However para 51 adds some confusion to this because it states that '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.' It is unclear whether this applies only where the Neighbourhood Plan promotes more development than the Local Plan.

20. The draft Framework discourages the preparation of Supplementary Planning Guidance beyond those that bring forward development at an accelerated rate. In Hillingdon, supplementary guidance such as that covering detailed local building design and access issues have proven to be particularly useful. Officers are of the view that planning authorities should be able to continue to use such local guidance where they consider it necessary.

21. London has an additional layer of Supplementary Planning and Best Practice guidance notes published by the Mayor of London. Officers consider that the Government should review the need for this additional layer now as part of its overall review of national planning policy guidance. It should be the responsibility of individual Councils to set their own development management standards in their Local Plans, directly related to their local circumstances and otherwise generally conforming to the London Plan.

22. One difficulty for planning service users with the current national planning policy system is the variety of means with which policy is kept updated. This might be through the issuing of ministerial announcements, new circulars or planning policy statements. The result is a long list of relevant documents which might need to be taken into consideration with an individual planning application. Whilst the NPPF should help here, it is not clear from the draft how future monitoring and updating will be undertaken. Clarification is to be sought in the Council's response letter.

23. The Government's consultation in April 2011 on 'Planning for Traveller Sites' emphasised that provision of sites for travellers and gypsies should be a matter for individual local planning authorities. Subject to detailed concerns, Hillingdon's response to the DCLG was generally supportive and endorsed by the Cabinet Member for Planning, Transportation and Recycling and the Cabinet Member for Social Services, Health and Housing in July 2011. The

Government's approach was also supported by the Mayor of London and incorporated in the revised London Plan July 2011, in the section of the Plan dealing with Housing Choice (policy 3.8). Officers consider that the Government's draft policy is consistent with the draft NPPF and would welcome its inclusion within it.

### **Financial implications**

There are no direct finance implications arising from this recommendation.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The introduction of the new Framework (with the accompanying deletion of existing national planning policies and guidance) will form the overarching national planning context within which Londonwide and borough planning policies operate. The Framework will set the strategic context for local planning policies, and it will also influence the implementation of existing local policies. It will therefore have a significant influence on the pattern of development in the borough. It is therefore vital that the content of the draft Framework takes account of the key issues affecting the borough.

### **Consultation Carried Out or Required**

There are no external consultations required on the contents of this report.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and is satisfied that there are no direct financial implications arising from the recommendations of this report.

### **Legal**

There are no special legal implications for this consultation by Central Government. When considering a response, the Council should ensure that it is made by the deadline, which in this case is 17 October 2011 and if possible in the format and layout suggested in the consultation paper. In considering the consultation responses, the Secretary of State must ensure there is a full consideration of the representations made by this Council, including those which do not accord with the proposals. It should be noted however, that the consulting Government department is not bound to adopt those views in finalised policy or legislation.

### **Corporate Landlord**

The Corporate Landlord has reviewed this report and considers that there may be some direct asset or property implications for the Council. The general presumption in favour of granting planning permission is welcomed, although there are concerns that the requirement to avoid the unnecessary loss of community facilities, alongside the introduction of Neighbourhood Plans, could have a significant impact on the council's ability to raise capital receipts, as many of the assets that would be declared surplus and disposed of are likely to have had a prior purpose as a community asset.

## **BACKGROUND PAPERS**

Cabinet Member report on National Planning Policy Framework: response to the DCLG 15<sup>th</sup> March 2011

Draft National Planning Policy Framework by DCLG, 25<sup>th</sup> July 2011

**Draft Letter to the Department of Communities & Local Government**

Mr. Alan C.Scott,  
Department for Communities and Local Government,  
Zone 1/H6,  
Eland House,  
London, SW1E 5DU.

cc: [planningframework@communities.gsi.gov.uk](mailto:planningframework@communities.gsi.gov.uk)

Reference: PECS / LDF / BW / 110809

Enclosure: Annex One

10<sup>th</sup> October 2011

Dear Sirs,

**Re: National Planning Policy Framework**

Thank you for the opportunity to provide comments and suggestions for improvements to the draft National Planning Policy Framework (NPPF). This letter contains some general comments and the accompanying Annex includes a series of more detailed responses to the Part 3 questions in the consultation paper.

**Overall Approach**

In principle we support the move towards the replacement of the existing Planning Policy Statements, Guidance Notes and some planning circulars into a new single National Planning Policy Framework. In particular we would support how the Framework clearly states the Government's view on the purpose and principles of the planning system and its commitment that the new Framework should be 'localist' in its approach; used as a mechanism to deliver Government objectives only where it is relevant to do so; user-friendly and clear to enable the making of robust local and neighbourhood plans and development management decisions.

However, we do have concerns regarding the guiding principles of the new Framework. We support the need to support and encourage sustainable development, but the Framework does not provide sufficient guidance on how to determine 'sustainability'. We firmly believe that sustainable development is a satisfactory balance between environmental, social and economic outcomes. Such a balance would provide a suitable framework for allowing our residents to engage in the planning process and put forward arguments for and against matters that are of particular concern, e.g. inappropriate development in conservation areas, or areas of green space without a designation. Whilst the draft Framework allows local planning authorities in principle to develop approaches to these issues, it is the commitment to applying 'significant weight' to economic issues that causes concern. Local planning authorities will inevitably be put in a difficult position between trying to achieve the balance required for sustainable development, yet needing to give priority to economic issues.

The draft Framework appears to imply that sustainable development is 'economic development that can be sustained'. As such the presumption is that a development would only need to be seen as contributing to growth, and it will be defined as sustainable. By encouraging economic

growth in this way, it is likely that unchecked and damaging development will result. Whilst growth is considered to be important, it would not be acceptable at all costs, because it is quality growth that matters.

In addition there is concern about the ambiguity of the draft Framework and its lack of practical advice to developers, communities and local authorities. The language is often highly subjective, with paragraph 121 providing a good example. This requires Local Authorities to give 'significant weight to *truly outstanding* design or innovative design'. This type of imprecise language is used throughout the document. It will invoke much subjectivity and differing opinions in interpretation, and may result in a return to 'planning by appeal', given the absence of more detailed planning policy requirements and standards.

Unfortunately, the overriding message in the draft Framework is to put more weight on economic and housing issues. This is likely to generate a conflict between attempting to deliver sustainable development with local community support, and putting economic growth first. Both are required by the draft Framework, but both may not be deliverable concurrently.

### Environmental and Social Considerations

The emphasis on economic development runs through the draft Framework with a key objective for local planning authorities to 'attach significant weight to the benefits of economic and housing growth'. This is of concern because the language used for the protection of biodiversity is considerably weaker, with references now for development to 'minimise the impacts on biodiversity' and 'provide net gains in biodiversity, where possible'. The focus is no longer on protecting and enhancing natural resources and therefore the likelihood is that valuable areas of biodiversity will be lost within the borough.

There is similar concern about the need to protect heritage features and open spaces where the 'need for the development outweighs the harm'. Economic benefits are normally overestimated by developers and they are easier to quantify, for example in terms of number of jobs or additional housing units. On the other hand the social and environmental harm is normally underestimated by developers and it is also more difficult to quantify. Again the likelihood is that heritage features and open spaces, which are so valued by local residents, will be lost within the borough. An equitable planning system must promote a healthy, sustainable built environment which protects the natural environment and these issues should be given the appropriate weight in the National Planning Policy Framework.

### National / Inter-Regional Planning and Infrastructure

It is unclear how the draft Framework is intended to relate to other national policy statements, e.g. the forthcoming Aviation Framework Document. If the Aviation Framework is likely to be non-site specific, as is suggested in the Aviation Framework Scoping Document currently out for consultation, it is unclear as to how this is to be incorporated into the NPPF. As an example, if Hillingdon were to receive a planning application for additional runway/terminal capacity at Heathrow with an accompanying pro-economic case it is unclear as to how this type of development would be dealt with. The inference in the draft Framework is that the economic case would override the social and environmental considerations, no matter how harmful.

If the Framework is to be the keystone for national planning policy, it should also contain the Government's key priorities for the pattern of growth to be delivered nationally. The draft Framework should state how much growth is to be delivered nationally, where and how,

including developments of inter-regional/national importance. This would provide strategic guidance for the inter-relationship between regions such as London and the surrounding South East and East of England regions. The new Framework should also then include policies on items of major infrastructure, such as transport, health and education to guide national infrastructure investment, i.e. to inform investment and spending across Government. Without such spatial strategic policies and guidance, the Draft Framework lacks any clear vision.

#### Simplification of Local Development Framework Preparation

As it stands, Local Development Framework (LDF) preparation has proven to be no less cumbersome than the previous Unitary Development Plan system and is not clear and 'accessible' to the public. This Council would support its simplification. The draft Framework should be more explicit on what it intends "Local Plans" to comprise of in the future. It is unclear whether the existing LDF is to be replaced by a new Local Plan making process. The references to the Local Plan in draft Framework imply that the LDF may move back towards the former Unitary Development Plan system. It would be helpful if there was more clarity on this.

The draft Framework, in para 26, states that planning applications will be determined against the NPPF, including its presumption in favour of sustainable development, where there is no up to date Local Plan in place, i.e. a Local Plan which is consistent with the Framework. In such cases, this means that there is likely to be a presumption towards the granting of planning permission where the proposal conforms with the NPPF, because it will be difficult to argue that any proposal is unsustainable using the NPPF, because it only gives protection to sites of national or European significance. It is vital that there are interim arrangements in place to enable Councils to use their existing policies to determine applications, until they are able to produce adopted plans in accordance with the NPPF. In Hillingdon, the Unitary Development Plan is in the process of being replaced by the Core Strategy and other accompanying LDF documents are well underway. Unfortunately these documents are based on the existing suite of national planning policies and guidance and therefore are likely to need to be reviewed. The work should not be regarded as abortive.

The draft Framework states that the Local Plan should be strategic in nature and that the Neighbourhood Plans should include more detailed proposals. This approach assumes that there will be good coverage of areas by Neighbourhood Plans, which may not actually materialise for some time. There is a likelihood that if Local Plans are strategic in nature, this will result in a weakening of local planning policies, and given the increased weight on economic growth in the NPPF, this could result in significant social and environmental harm at the local level.

The Government's proposals for Neighbourhood Plans, where the objective is to encourage residents and businesses to set the planning agenda for their immediate local areas, is welcomed in principle. In practice however this proposal raises a number of issues. Given that there are no details on how the plan making process is to be simplified, the Neighbourhood Plans appear to be an additional and complex layer.

#### Current national policies that have performed well

This Council considers that the following policies have performed well and would strongly welcome the inclusion of their main components within the proposed Framework:

- sustainable development; good quality design; and adapting to and mitigating the effects of climate change (PPS1)
- green belt and metropolitan open land (PPG2)
- reuse of previously-developed land (sequential approach to the location of additional housing) (PPS3)
- supporting economic growth; and the town centres first policy (sequential test, impact test) (PPS4)
- focus high trip-generating activities in town centres and close to public transport interchanges (PPS4/PPG13)
- taking full account of heritage assets when making development decisions (PPS5)
- policies to protect and enhance biodiversity and geological conservation (PPS9)
- policies regarding new waste management (PPS10)
- ensuring an adequate supply of open space and sports and recreational facilities (PPG17)
- promoting renewable energy (PPS22)
- minimising adverse impacts of pollution with regard to air, water and land (PPS 23)
- minimising adverse impacts of noise PPG24
- to take full account of the likely implications from flood risk (PPS25)
- policies for minerals proposals (MPS 1)

What is of significant concern here is that the consultation paper accompanying the draft Framework makes clear at paragraph 38 that many of the above policy statements and guidance notes will be cancelled when it is adopted. The current national policy statements and guidance notes contain a series of detailed environmental impact standards and guidelines e.g. regarding noise, pollution, contaminated land. If these are not to be incorporated within the NPPF, this will immediately remove environmental safeguards which local planning authorities have been able to use to protect their communities from the worst impacts of major developments. For example, in Hillingdon's case this is important regarding noise generated at Heathrow and Northolt airports. More generally, consistent noise standards and guidelines are required in order to avoid unacceptable noise impacts from road, rail, aircraft and industrial noise in relation to noise generating and noise sensitive development. The implications of the consultation paper are that local planning authorities may find themselves without any agreed environmental standards guidance when faced with future development proposals. The planning system must be able to adequately assess environmental impacts, and this has the very serious purpose of protecting the local and wider environment. More detail on the specific guidance that has proved successful is included in the response to Question 4.

Equally, maximum parking standards for non-residential developments and for residential developments (PPS13 and PPS4) have not performed well and their exclusion from the draft Framework could be seen as a welcome step allowing Councils to set their own (non-residential) car parking standards based on local considerations. In London it will remain the case that individual boroughs are not free to set their own standards according to local circumstances, because their standards will still need to generally conform to those in the London Plan.

#### Sites for travellers and gypsies

Hillingdon Council welcomes the recent approach by the Government emphasising that provision of sites for travellers and gypsies should be a matter for individual local planning authorities. This approach has also recently been supported by the Mayor of London and incorporated in the revised London Plan July 2011, in the section of the Plan dealing with

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Housing Choice (policy 3.8). We consider the Government's draft policy to be consistent with the draft NPPF and would welcome its inclusion within it.

### Specialist mineral planning policies

There is concern about the inclusion of specialist mineral planning policies in the draft Framework. It would seem appropriate to continue to issue specialist mineral policy guidance separate from a single NPPF, given the more technical nature of minerals policy and that it only has relevance to particular parts of the country.

### GLA planning documents

Alongside the current series of national planning policy statements, guidance notes, circulars and good practice guidance notes currently in use, planning service users in London also need to take into account the separate layer of London-level Supplementary Planning and Best Practice Guidance Notes published by the Mayor of London in support of the London Plan. This Council would welcome an examination by the Government of the need for this extra layer of extensive and detailed planning documents in London as part of its wider national planning policy review. Caution does however need to be applied with regards to the removal of London-wide guidance in relation to the environment. As an example, the Best Practice Guidance with regard to reducing emissions from construction sites has proved an invaluable tool for local authorities in ensuring consistency in approach at reducing emissions from this source. A full consultation process with London borough officers as to what is to be removed should be carried out before implementation.

To conclude, the Council welcomes the principle of the Minister's proposal to streamline the current complex system of planning statements, guidance, circulars and good practice notes and the opportunity for our involvement in that process. Hillingdon officers are well placed to assist in this process and would like to formally request consideration in any consortium set up to do so. If there is to be no local authority involvement in the development of any future guidance, we would request that the guidance is developed and informed by a further more detailed consultation process. Whilst the proposed National Planning Policy Framework should eventually help make national planning policy priorities simpler and more user-friendly for the public and other planning service users, the current draft does not provide an adequate steer for the implementation of planning policies in future. Whilst general comments and suggested amendments to improve its implementation have been outlined in this letter, more detailed responses to the questions in the consultation document are attached as an Annex.

Should you have any queries on this response please do not hesitate to contact me.

Yours sincerely,

Jales Tippell,  
Head of Highways, Transportation and Planning Policy.

# **ANNEX ONE**

## **Hillingdon's Response to the Part 3 Consultation Questions**

### **A: POLICY QUESTIONS**

<b>Question Number</b>	<b>Section</b>	<b>Consultation Question</b>
1a	Delivering sustainable development	The Framework has the right approach to establishing and defining the presumption in favour of sustainable development. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/ <b>Strongly Disagree</b>
1b		Do you have comments? (Please begin with relevant paragraph number)
<b>Comments</b>	<p><b>Paragraphs 13-19</b></p> <p>The general presumption in favour of sustainable development could impose costs on both developers and planning authorities where they need to assess the sustainability of each development proposal.</p> <p>To date Core Strategies have been intended to be high-level strategies setting out the broad direction of travel for accompanying detailed Development Plan Documents in Local Development Frameworks. It is not clear whether the emphasis now in the proposed National Planning Policy Framework on having clear local policies to guide sustainable development may impact upon the degree of detail required in Core Strategies, or whether the Government would prefer to see these combined with other Development Plan Documents which carry detailed development management policies.</p> <p>The Framework removes many of the more structured controls in place through the existing Planning Policy Statements. As a consequence, the Framework provides a highly subjective approach to what is required and when. This ambiguity is likely to result in inconsistent planning decisions.</p> <p>The proposed Framework places considerable emphasis on sustainable development but does not state that transport is a key influence on the location and form of sustainable development. It should state that no major development site can be considered as being sustainable if it is remote from good transport links. In order to achieve sustainable development, there is a fundamental understanding required of location and layout from the outset rather than expecting transport measures to overcome planning deficiencies at a later stage.</p> <p>The Framework clearly sets out an approach that favours sustainable development, but it does not adequately set out what is meant by 'sustainable' in a practical sense. One of the reasons for this is that the language used in the Framework is highly ambiguous and does not allow for a consistent or clear understanding of 'what the right approach is' – e.g. the first bullet point of Core Planning Principles (paragraph 19) states:</p> <p>"Planning should be <i>genuinely</i> plan-led, with <i>succinct</i> Local Plans setting out a positive long-term vision for an area. They should be kept <i>up to date</i>..."</p>	

Question Number	Section	Consultation Question
		<p>The second to last bullet at paragraph 24 requires Local Plans to identify land which is <i>genuinely</i> important to protect from development.</p> <p>Paragraph 121 states, ‘in determining applications, significant weight should be given to <i>truly outstanding</i> or innovative designs...’</p> <p>This type of language is used throughout the Framework and provides little clarity as to what is trying to be achieved at a practical level. This lack of clarity makes it exceptionally difficult for Local Planning Authorities, developers and local communities to gain a mutual understanding of what is required, which is only likely to be resolved through time consuming and expensive planning appeals. By way of example here, the draft Framework uses the terms ‘where practical’ on eight occasions and ‘where reasonable’ (at paragraphs 69, 82 and 83); the need for any adverse impacts of development to be proven to “significantly and demonstrably outweigh the benefits” is noted at paragraphs 14, 20, 110 and 165.</p> <p>The use of an ambiguous policy framework may be counter productive in encouraging new development as it offers up many opportunities to oppose the sustainability of a project. This framework does not clearly define what ‘sustainable development’ is; it only provides a very subjective description.</p> <p>Furthermore, the approach adopted heavily weights economic growth above social and particularly environmental matters. Natural resources, cultural heritage and wildlife are under increasing pressure from new development. This Framework provides weak wording to protect these important and valuable resources.</p> <p>For example, the second bullet point of paragraph 164 states the planning system should minimise ‘impacts on biodiversity and providing net gains in biodiversity where possible’.</p> <p>The use of the words ‘minimise’ and ‘where possible’ are outweighed by the comment in paragraph 13 which states ‘therefore, significant weight should be placed on the need to support economic growth through the planning system.’</p> <p>The Framework needs to put much greater emphasis on both social and environmental matters. The Department needs to understand that sustainability is not just about the economy. Planning history has shown that only considering economic development results in the loss of significant open spaces, important wildlife sites, and impinges on the function of local centres. This has had subsequent adverse impacts on the economy.</p> <p>Paragraph 19</p> <p>A number of key core planning principles which have been omitted from the draft Framework, These include the current guidance in Planning Policy Statement 1 that local plans should address inequality in their areas and look to achieve equal life opportunities for all.</p>

Question Number	Section	Consultation Question
	The objective of reducing the overall need to travel is also a serious omission.	
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. Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b> /Strongly Disagree
2b		Do you have comments? (Please begin with relevant paragraph number)
<b>Comments</b>	<p>Paragraphs 20-26</p> <p>As it stands, Local Development Framework (LDF) preparation has proven to be no less cumbersome than the previous Unitary Development Plan system and is not clear and 'accessible' to the public. This Council would support its simplification. The draft Framework should be more explicit on what it intends "Local Plans" to comprise of in the future. It is unclear whether the existing LDF is to be replaced by a new Local Plan making process. The references to the Local Plan in draft Framework imply that the LDF may move back towards the former Unitary Development Plan system. It would be helpful if there was more clarity on this.</p> <p>The draft Framework, in para 26, states that planning applications will be determined against the NPPF, including its presumption in favour of sustainable development, where there is no up to date Local Plan in place, i.e. a Local Plan which is consistent with the Framework. In such cases, this means that there is likely to be a presumption towards the granting of planning permission where the proposal conforms with the NPPF, because it will be difficult to argue that any proposal is unsustainable using the NPPF, because it only gives protection to sites of national or European significance. It is vital that there are interim arrangements in place to enable Councils to use their existing policies to determine applications, until they are able to produce adopted plans in accordance with the NPPF. In Hillingdon, the Unitary Development Plan is in the process of being replaced by the Core Strategy and other accompanying LDF documents are well underway. Unfortunately these documents are based on the existing suite of national planning policies and guidance and therefore are likely to need to be reviewed. The work should not be regarded as abortive.</p> <p>The draft Framework discourages the preparation of Supplementary Planning Guidance by Councils, and this of significant concern. It is considered important that Councils are able to prepare some Supplementary Planning Guidance beyond that proposed in the draft National Framework, i.e. simply that which brings forward development at an accelerated rate. This Council has found supplementary guidance covering detailed local building design and access issues to be particularly useful for developers and to promote good quality design. It would advocate that such guidance is valuable and planning authorities should be able to continue to use such local guidance.</p>	

Question Number	Section	Consultation Question
		<p>The Framework needs to be accompanied by guidance to help local authorities in developing local plans. This is particularly necessary for monitoring implications and to clarify what is meant by '<i>kept up to date</i>' (Paragraph 24, 2nd bullet point).</p> <p>Paragraph 30</p> <p>The final bullet point refers to "food production industry". It is unclear whether this is meant to refer to land for growing food or whether it covers a wider definition and includes food factory provision.</p> <p>Paragraphs 49 - 52</p> <p>Neighbourhood Plans</p> <p>The Framework introduces 'Neighbourhood Plans' but provides very little information as to what or how these will be developed. The consultation document also does not ask a specific question about these types of plans.</p> <p>Whilst the main elements of the neighbourhood planning system have been announced through the Localism Bill, the Council believes that the opportunity should have been taken with the draft Framework to clearly define how this system is expected to operate. The Framework begs many questions regarding neighbourhood planning which are not captured by the consultation. This remains an exceptionally unclear policy initiative which needs to be properly thought through in order to achieve proper implementation.</p> <p>For example, it is still not clear how a neighbourhood is expected to be defined, particularly in a dense urban area such as London. This is particularly important so as not to exclude certain groups, or those on the periphery of a subjectively defined 'neighbourhood' boundary.</p> <p>The draft Framework states that the Local Plan should be strategic in nature and that the Neighbourhood Plans should include more detailed proposals. This approach assumes that there will be good coverage of areas by Neighbourhood Plans, which may not actually materialise for some time. There is a likelihood that if Local Plans are strategic in nature, this will result in a weakening of local planning policies, and given the increased weight on economic growth in the NPPF, this could result in significant social and environmental harm at the local level.</p> <p>The Government's proposals for Neighbourhood Plans, where the objective is to encourage residents and businesses to set the planning agenda for their immediate local areas, is welcomed in principle. In practice however this proposal raises a number of issues. Given that there are no details on how the plan making process is to be simplified, the Neighbourhood Plans appear to be an additional and complex layer.</p>

Question Number	Section	Consultation Question
		<p>The draft Framework states in para 50 that Neighbourhood Plans must conform with the strategic policies of the Local Plan. It goes on to say that Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan. However para 51 adds some confusion to this because it states that ‘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.’ It is unclear whether this applies only where the Neighbourhood Plan promotes more development than the Local Plan.</p> <p>It is also important to set out proper consultation arrangements, particularly since a sustainability appraisal is likely to be required which needs to demonstrate how sustainability has been considered at each stage of the plan’s development.</p> <p>Furthermore, there needs to be a statutory consultation process to gain input from Natural England and the Environment Agency amongst others.</p> <p>The Framework then requires a Neighbourhood Plan to be assessed by an independent examiner. Guidance is required as to who provides the examiner, who pays for them, and what is meant by a ‘local referendum’.</p>
2c	Joint working	<p>The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p>
2d		<p>Do you have comments?</p>
		<p>Paragraphs 44-47</p> <p>Within London there is already substantial cross-boundary working between boroughs. This has included initiatives by the boroughs themselves to work in area associations to liaise on mutual economic or planning issues affecting their joint area, to prepare joint waste plans or to work jointly with the Mayor of London on Opportunity Area Planning Frameworks.</p> <p>What is at issue is how boroughs work in co-operation with district or county councils that adjoin the London boundary and what the role of the Greater London Authority should be. The preparation of joint waste plans within London has illustrated the current lack of clear responsibility over cross-boundary issues such as continued long term co-operation on waste being sent for treatment / disposal outside London. Common approaches to Green Belt policy or Infrastructure provision, including transport and education are examples of further areas where it is not clear from the NPPF where the lead will come from for decisions on inter-regional policy issues.</p>
3a	Decision taking	<p>In the policies on development management, the level of detail is appropriate.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p>
3b		<p>Do you have comments? (Please begin with relevant</p>

Question Number	Section	Consultation Question
		paragraph number)
	Paragraphs 53-55	
	<p>The lack of a clear definition of sustainable development in the Framework has been referred to above. Emphasis here is again given to placing significant weight on economic and housing growth (at paragraph 54). Social and environmental considerations are equally important planning criteria to achieve sustainable development and should also be emphasised here.</p>	
4a		<p>Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/<b>Disagree</b>/Strongly Disagree</p>
4b		What should any separate guidance cover and who is best placed to provide it?
	Paragraphs 56-70 4a	
	<p>It is not clear what is meant by 'light-touch'. All guidance needs to be strong enough to provide a consistent and clear approach to planning. Weak and subjective guidance is only likely to result in decisions being challenged. The planning system must be equipped to adequately assess the environmental impacts of proposed development and ensure that the siting of future sensitive development protects the end users. The current planning framework contains a series of guidance notes (Planning Policy Statements and Guidance) that clearly define the requirements of each policy. Indiscriminate removal of these strong robust statements and guidance documents will introduce less consistency and more subjective interpretation into the planning process. Local planning authorities are now being asked to produce less supplementary technical planning guidance themselves. Instead they will be required to produce their own local policies setting out their approach on amenity issues, e.g. housing densities, noise, parking standards, etc. The development industry will be faced with a different set of criteria at each local planning authority. Rather than pursue this route the Government should set out sufficient policy guidance on these issues in the NPPF, taken from the existing series of Planning Policy Statements and Guidance Notes, to give a consistent, clear steer to authorities and the development industry.</p> <p>The proposed Framework requires Planning Authorities to adopt a positive approach to planning. It should then define what constitutes positive planning with guidance on what constitutes sustainable development, in terms of environmental, economic and social considerations.</p> <p>Environmental guidance in particular must be framed within the sustainability principles of living within environmental limits; ensuring a strong, healthy and just society; promoting good governance; and using sound science responsibly.</p>	

Question Number	Section	Consultation Question
	4b	<p>Guidance to accompany the NPPF should be developed by a central body. It must ensure a consistent approach to assessment and incorporate the standards necessary to ensure the local and wider environment is protected to a consistent standard set to protect health and well being. As there is already a body of Guidance that has worked well to date it would seem an inappropriate use of resources to develop a totally new totally set of guidance. Where current guidance has worked well this should be identified and consolidated where possible. Given the central role local authorities play in the delivery of development it is vital that appropriate officers are involved in the development of the guidance or at the very minimum, the guidance is subject to the appropriate consultation process.</p> <p>The current series of Planning Policy Guidance Notes and Statements have generally worked well. They provide clear advice for formulating local plans policies and importantly provide a clear approach to developers on the approach they should take towards development in the Green Belt, in town centres, in areas prone to flood risk, and so forth. Removing this guidance will create uncertainty both for developers, local planning authorities and local communities on such issues. Without much of the detailed guidance currently available in the Planning Policy Guidance Notes and Statements, it is likely that planning approaches to particular types of development will be set by case law and precedence, i.e. `planning by appeal` may result.</p> <p>The removal of Planning Policy Statement 25 on flood risk, removes clear advice on how best to plan for flooding. This is a highly significant planning consideration that needs to be given considerable weight, particularly given that local authorities have now been given the responsibility for flooding matters. It would be preferable to produce one central, specialist guidance document rather than requiring many different Councils to use their own resources to develop different approaches on the same subject.</p> <p>For transboundary issues such as air pollution, noise and contaminated land it is vital that guidance is consistent across borough boundaries. For example, as the UK Government is already in infraction of its legal obligations under the EU Air Quality Directive, there are a number of key issues enshrined in PPS23 which would need to be retained to ensure the matters raised in para 174 are complied with. A failure in this issue could result in fines being placed upon the UK Government.</p> <p>The draft Framework should also retain the key elements of PPS 23 with regard to contaminated land, where failure of the LPA to require a consistent and accurate assessment of the potential for contamination could result in an inadequate level of remediation and lead to a potential risk to future end users. This could conflict with the statement within the draft Framework that developed land should not be capable of being determined as contaminated land under Part 11A of the EPA 1990.</p>

Question Number	Section	Consultation Question
		<p>Para 172 seems to attempt to further distance the pollution control regime and the planning regime. Any updated guidance would need to retain the elements of advice as given in the current PPS23 to ensure close co-ordination between planning authorities and pollution control regulators in order to achieve development that is environmentally sustainable.</p> <p>Noise is an important issue in Hillingdon in view of the presence of Heathrow and other major transportation noise sources. PPG24 for noise has provided important guidance to us in the assessment of the noise aspects of planning development. While we have produced our own supplementary planning document on noise, this is based on PPG24 and adapted for local factors. With the emphasis on sustainable development, we need clarity on how this will be ensured while taking account of noise issues. Strong, clear guidance from a central organisation on noise is essential for this purpose. We therefore regard the proposed cancellation of PPG24 as a seriously retrograde step, and would support the retention of PPG24, possibly in an updated form.</p>
5a	Business and economic development	The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.
5b		<p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p>
5c		What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?
		<p>Paragraphs 71-75</p> <p>There is serious concern that the strong emphasis on economic growth will promote economic activity at the expense of social and environmental considerations, which is likely to result in social and environmental harm.</p> <p>The introduction of market considerations may allow developers to give undue weight to the economic benefits of their development. It will then be up to the Council to scrutinise the arguments, which would require a current and complete understanding of market signals. These signals will then need to be communicated effectively within planning decisions so local communities can fully understand the rationale underlying refusals or approvals.</p> <p>Considering market signals to the level set out in the Framework is likely to benefit those developers who have access to significant resources and can set out a proposal in the context of these signals. This is an area of planning that is not protected by a statutory body, e.g. a developer cannot misrepresent impacts on flood risk because of the Environment Agency. Consequently, it does not allow for open and transparent scrutiny of planning applications by the public and local planning authorities, who do not have access to sufficient resources to be</p>

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		<p>able to fully understand 'market signals'.</p> <p>It is also of concern that the draft Framework does not it clear which market signals Councils should use and how they should monitor and attribute individual weight to these when making planning decisions. The value of using short-term market signals to inform long-term policy development is also unclear. Different interpretations by different Councils may create further uncertainties for developers.</p>
6a		<p>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.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p>
6b		<p>Do you have comments? (Please begin with relevant paragraph number)</p>
		<p>Paragraphs 76-80</p> <p>We strongly support the positive approach to enhancing the vitality and viability of town centres. The previous approaches in planning have led to a proliferation of out of town centres, and large scale supermarkets that have undermined local centres. These out of town projects have normally been championed by well resourced applicants who were able to find challenge planning policies despite common sense dictating that there would be serious detrimental impacts on town centres.</p> <p>We would welcome a tougher planning stance on preventing development that negatively impacts on local centres. However, the new policy context gives considerable weight to economic growth, which applicants of major out of town retail units are likely to use to argue in favour of their schemes.</p> <p>The Council is concerned that the 'town centres first' policy of Planning Policy Statement 4 has been weakened by the statement that "local planning authorities should prefer applications for retail and leisure uses to be located in town centres <u>where practical</u>." Developers are likely to come forward with assertions that their scheme is impractical within a town centre setting and the onus will then be on the authority to prove otherwise.</p> <p>The removal of office development and business parks from the 'town centre first' approach is of concern in Hillingdon. This approach is likely to lead to further speculative office building in main road locations away from existing centres – and thereby hamper economic development objectives, particularly in outer London and in the corridor surrounding the M25 beyond London's boundaries.</p>

Question Number	Section	Consultation Question
7a	Transport	The policy on planning for transport takes the right approach.
7b		Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b> /Strongly Disagree Do you have comments? (Please begin with relevant paragraph number)
<b>Comments</b>	<p>Paragraph 83</p> <p>This paragraph notes that ‘The planning system should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport’. This leaves open to interpretation demonstrating what is ‘reasonable’ and might prevent local authorities seeking high standards which reduce the adverse impact of development.</p> <p>Paragraph 84</p> <p>The objectives of transport policy noted here are ‘...to:</p> <ul style="list-style-type: none"> <li>• Facilitate economic growth by taking a positive approach to planning for development; and</li> <li>• Support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development.’</li> </ul> <p>While these appear to be appropriate, no emphasis is given to transport considerations, which currently have a primary role in determining whether a development is sustainable. The proposed guidance in the Framework could lead to developers promoting sub-optimal sites which become car-dependent.</p> <p>Paragraph 86</p> <p>When considering significant developments it is not simply the fact that they generate significant amounts of traffic. Of greater importance is the cumulative impact of developments on the local and wider road network, which should be taken into account.</p> <p>As phrased, the paragraph refers to development not being prevented unless “...the residual impacts of development are severe...”. Definition of what constitutes a ‘severe’ impact will inevitably lead to differing interpretations between developers and planning authorities – and between individual authorities, creating further uncertainty for developers.</p>	
8a	Communications infrastructure	Policy on communications infrastructure is adequate to allow effective communications development and technological advances.
8b		Do you: Strongly Agree/ <b>Agree</b> /Neither Agree or Disagree/ Disagree/Strongly Disagree Do you have comments? (Please begin with relevant paragraph number)

Question Number	Section	Consultation Question
	Paragraphs 95-99	<p>Technological advances in mobile phones over recent years have not been matched with advances in how these services are delivered. Large bulky telecom masts are still the norm despite it being about 20 years since mobile phones first came into general public use.</p> <p>If communications providers are not to be able to query the need for a service, Councils should be able to query the need for proposed telecom equipment, its design and proposed location. The proposed Framework should recognise the benefits to the urban and rural environment of Councils being able to question these issues.</p>
9a	Minerals	The policies on minerals planning adopt the right approach. Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b> /Strongly Disagree
9b		Do you have comments? (Please begin with relevant paragraph number)
	Paragraphs 100-106	<p>There is concern about the inclusion of specialist mineral planning policies in the draft Framework. It would seem appropriate to continue to issue specialist mineral policy guidance separate from a single NPPF, given the more technical nature of minerals policy and that it only has relevance to particular parts of the country.</p> <p>Within London a sufficient policy steer is already provided by the London Plan and there is a regional advisory group set up between the minerals industry and local planning authorities, which keeps mineral policies under review.</p> <p>The only specific guidance given on waterways concerns their use for the transfer of minerals and aggregates (paragraph 102). No guidance is given for example on safeguarding waterways' facilities for transporting other freight by water, on the leisure use of rivers and canals and to encourage their possible use as pedestrian and cycling routes. Local plan identification of infrastructure requirements (paragraph 31) excludes facilities and infrastructure using waterways.</p> <p>The protection of valued landscape (paragraph 167) also does not cover waterways.</p>
10a	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. Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b> /Strongly Disagree
10b		Do you have comments? (Please begin with relevant paragraph number)

Question Number	Section	Consultation Question
	Paragraph 109	<p>London has a different system in place to the rest of the country in that its overall capacity has been defined through work on the Strategic Housing Land Availability Assessment. Its findings are reflected in the capacity figures now set out in the 2011 London Plan. It is not clear how the proposed 20% additional capacity required in the proposed Framework will be applied in London nor why that figure has been selected; for example, how realistic would it be if each borough was expected to identify 20% additional capacity.</p> <p>Hillingdon Council welcomes the recent approach by the Government emphasising that provision of sites for travellers and gypsies should be a matter for individual local planning authorities. This approach has also recently been supported by the Mayor of London and incorporated in the revised London Plan July 2011, in the section of the Plan dealing with Housing Choice (policy 3.8). We consider the Government's draft policy to be consistent with the draft NPPF and would welcome its inclusion within it.</p>
11a	Planning for schools	The policy on planning for schools takes the right approach. Do you: Strongly Agree/ <b>Agree</b> /Neither Agree or Disagree/Disagree/Strongly Disagree
11b		Do you have comments? (Please begin with relevant paragraph number)
	Paragraph 127	<p>This approach remains the most appropriate. The approach to schools describes the current approach and effectively describes the current principles behind determining them. Councils already take a proactive, positive and collaborative approach to the development of schools and seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations. Schools, and other developments, are generally only refused where adverse impacts outweigh any benefits.</p>
12a	Design	The policy on planning and design is appropriate and useful. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/ <b>Strongly Disagree</b>
12b		Do you have comments or suggestions? (Please begin with relevant paragraph number)
	Paragraphs 114-125	<p>The section on design provides a very weak national planning framework. This is particularly disappointing given the increasing emphasis over recent years. The draft Framework uses highly subjective language and is unclear about what it is trying to achieve.</p> <p>Paragraph 116 requires Local Plans to include 'robust and comprehensive policies that set out the quality of development that will be expected for the area'. This implies a prescriptive approach with which developers will need to comply.</p>

Question Number	Section	Consultation Question
		<p>However, paragraph 117 states ‘that Local Authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding overall scale, density, massing height, landscape, layout and access’.</p> <p>The policies on design seemingly set out an approach in which the Local Authority should not get too involved, but also sets out requirements for them to play a key part. It is therefore difficult to understand to what extent Local Authorities should be getting involved in design.</p> <p>Paragraph 120 suggests that Local Authorities should have local design review arrangements in place. It is unclear how this is expected to be implemented and inevitably it would have an impact on local authority resources.</p> <p>Paragraph 121 requires weight to be given to ‘<i>truly outstanding or innovative designs</i>’ which is highly subjective. Planning applications are not refused because of mediocre design and it is unlikely that they would be refused even on poor design alone, unless they related to a listed building or conservation area.</p> <p>Paragraph 123 requires control over outdoor advertisements to be <i>efficient, effective and simple in concept and operation</i>. Again, this is highly subjective language that does not provide any assistance in practical application.</p> <p>Paragraph 125 states that places should promote ‘accessible developments, containing clear and legible routes’. This should be further clarified to specify that this involves providing designs which encourage walking and cycling access, supported by legible access to public transport.</p>
13a	Green Belt	The policy on planning and the Green Belt gives a strong, clear message on Green Belt protection.
13b		<p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p> <p>Have you comments</p>
		<p>Paragraph 129</p> <p>There is concern that open and undesignated land protection has been weakened and the sequential approach to the disposal of open spaces in PPG 17 has been removed.</p> <p>Paragraphs 133-147</p> <p>The proposed Framework is introducing more flexibility into its existing policy approach to Green Belt land. In London the Green Belt has already suffered some erosion despite strong existing national policies. We do not agree that there should be more flexibility into these policies, given the losses which have occurred.</p> <p>It is of concern that the “special circumstances” referred to for allowing building in the Green Belt at paragraph 142 have not been defined and there is no</p>

Question Number	Section	Consultation Question
		<p>explanation at paragraph 145 as to why development brought forward by a Community Right To Build Order might be acceptable there. As currently worded, this policy will inevitably result in unchecked growth in the green belt.</p>
14a	Climate change, flooding and coastal change	<p>The policy relating to climate change takes the right approach. Do you: Strongly Agree/Agree/Neither Agree or Disagree/<b>Disagree</b>/Strongly Disagree</p>
14b		<p>Do you have comments? (Please begin with relevant paragraph number)</p>
		<p>Paragraph 148</p> <p>The Policy is not robust enough to go beyond the minimum requirements set on developers. It is therefore unlikely to result in the changes necessary to properly address climate impacts.</p> <p>The policy needs to be much more prescriptive and linked to targets. Simply setting a 'supporting' policy context will result in minimal changes.</p> <p>In addition, the phrase 'adapt to climate change' is used regularly without any practical advice. This needs to be supported by guidance or included within the framework, but currently, there is no way for a local authority to understand how this relates to practical implementation.</p> <p>The policies on renewable energy and climate change also miss the opportunity to reduce our reliance on a fragile national grid network. The Framework should set higher requirements for all new development to utilise renewable or low carbon technology, in order to reduce carbon emissions, reduce national grid demands, and increase demand for technologies and jobs.</p>
14c		<p>The policy on renewable energy will support the delivery of renewable and low carbon energy. Do you: Strongly Agree/Agree/Neither Agree or Disagree/<b>Disagree</b>/Strongly Disagree</p>
14d		<p>Do you have comments? (Please begin with relevant paragraph number)</p>
		<p>Paragraphs 148-151</p> <p>There is concern that the policy only supports the delivery of renewable and low carbon energy but goes no further. The UK needs strong and tough action and this Framework should set new standards and targets for development proposals that 'require' and not just support the delivery of renewable and low energy technology.</p> <p>A stronger more prescriptive policy that offers more than a description of current practices will help new development to generate a demand for technology and associated jobs.</p> <p>Developers will normally opt for the minimum requirements. Yet their developments (particularly housing) will be the main stock for current and future generations. It is essential that national policy is strengthened and requires</p>

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		<p>developers to investigate and deliver renewable and lower carbon technology now.</p> <p>Paragraph 151 relies upon a subjective judgement being made on what constitutes a “well-designed” building. It also places a burden on local authorities to prove that, even where a heritage asset might be threatened, that material harm is being caused to that asset and that there are no wider social, economic or environmental benefits to justify the scheme going ahead.</p>
14e		<p>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</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p>
14f		
		<p>Paragraphs 152-153</p> <p>These paragraphs provide a weak policy framework which is far from rigorous enough to improve minimum standards and set requirements for developers.</p> <p>In particular, the policy could be much stronger about requiring developers to link into and facilitate the delivery of identified decentralised energy networks and opportunities, through financial contributions if necessary.</p> <p>We understand that the draft Framework is trying to avoid prescriptive policies, but this should not be at the expense of seeking practical implementation. The UK has considerable concerns regarding the production and sourcing of electricity, and prescriptive policies regarding renewable energy would be highly welcomed. It would also have an additional impact of driving a demand for new technologies and in turn more jobs.</p>
14g		<p>The policy on flooding and coastal change provides the right level of protection.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ <b>Disagree</b>/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p>
14h		
		<p>Paragraphs 154 – 157</p> <p>The removal of Planning Policy Statement 25 weakens the practical implementation of the Framework. The sequential test can only work if it is applied consistently across England and Wales. The test needs to be commensurate with the scale and nature of the development and this is clearly defined in PPS25.</p> <p>The exclusion of this national policy will result in a level of uncertainty of when and where the sequential test applies and to what types of development. This</p>

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		<p>new draft Framework does not allow for this more considered approach. This increases workload on developers and Councils and requires additional resources that are unnecessary in certain instances. Local authorities are unlikely to develop approaches that are against the new Framework particularly as these could be open to challenge. We therefore strongly encourage that you reconsider the removal of the robust policies within PPS25 from the planning framework.</p> <p>There is concern that the draft Framework is weak in terms of policies regarding Sustainable drainage systems (SuDS), which should be included within all developments. PPS25 gave a robust and comprehensive planning framework for SuDS. It provided a tool to help authorities and developers in the practical implementation and assessment of SuDS.</p>
15a  15b	Natural and local environment	<p>Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/<b>Disagree</b>/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p>
<b>Comments</b>		<p>Paragraphs 171-175</p> <p>There is a significant weakening of policies in the existing Planning Policy Statement 9 because the draft Framework now aims to 'minimise impacts on biodiversity, and provide net gains in biodiversity where possible'. The policies should aim to protect and enhance valuable resources in all cases, except where there are valid reasons for not doing so.</p> <p>The draft also states that 'development needs should be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. This is likely to result in adversarial debate at planning appeals over the interpretation of whether the loss of a unique habitat is to be outweighed by the benefits and need for a development.</p> <p>Local authorities are required by law to consider biodiversity, and furthermore there are a number of European directives that need to be considered. The wording in the Framework is exceptionally weak to support our statutory requirements for biodiversity as well as helping to protect and enhance our natural habitat.</p> <p>The focus on economic growth is at the expense of the natural environment and any protection in the draft Framework is further weakened by phrases such as 'protect where possible'.</p> <p>In addition, the Framework focuses too much on designated areas and ignores other areas that support them. Gardens, informal open spaces, meadows and hedgerows all form part of the natural link, and the Framework is not robust enough to protect these areas.</p>

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		<p>Of particular concern is that <i>'local plans should identify land which it is genuinely important to protect from development...(paragraph 24)'</i>. This paragraph implies that some of the areas highlighted above should not be afforded much protection. It even implies that there is a scale within importance although how 'genuinely' is defined remains unclear.</p> <p>The draft Framework only protects areas considered to be of the highest value. This approach totally undermines the role that other areas play in the wider natural environment. There must be a greater policy requirement for mitigating (offsite if necessary) the loss of these areas, which may have a strong value locally or regionally.</p> <p>Para 171-175</p> <p>The policies for pollution control will have no weight if not accompanied by appropriate guidance, based on using sound science responsibly which ensures a consistent approach to assessment. Environmental guidance in particular must be framed within the sustainability principles of living within environmental limits; ensuring a strong, healthy and just society; promoting good governance; and using sound science responsibly. More information on this is given in the answer to question 4.</p> <p>For noise, the wording in para 173 is wholly inadequate especially if detailed guidance is removed which currently sets the approach to assessment and defines the standards to protect the environment.</p> <p>With regards to local air quality the link to AQMAs, Air Quality Action Plans and the need to meet the EU limit values is welcomed. However this could be strengthened to include 'shall sustain compliance' instead of 'should'. The transboundary nature of air pollution must be recognised and the need for a consistent approach via guidance to LPAs and developers to ensure that reductions in pollution are achieved through the planning system is vital.</p>
16a	Historic environment	This policy provides the right level of protection for heritage assets.
16b		Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/ <b>Strongly Disagree</b> Do you have comments? (Please begin with relevant paragraph number)
<b>Comments</b>	<p>Paragraphs 176 - 191</p> <p>The draft Framework fails to state the role and value of the historic environment in place-making and sustaining economic viability, which is considered to be unacceptable. It only deals with loss and demolition of the historic environment, whereas it should emphasise the value of the Historic Environment as a catalyst for regeneration and the importance of imaginative and high quality design, and the benefits of refurbishment and new uses for old buildings. This should be part of the policy approach in the Framework document, rather than left to guidance</p>	

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		<p>elsewhere, which may or may not materialise.</p> <p>Planning Policy Statement 5 carries a clear definition of the value of different kinds of knowledge, understanding and relevance and enjoyment to be gained from historic localities and the historic built environment. These are not referred to in the proposed Framework. It only refers to a general “quality of life” that the historic environment and its assets bring (at paragraph 176). The wording in Planning Policy Statement 5 about “the positive contribution of such assets to local character and a sense of place” and their loss having “cultural, environmental, economic and social impacts” have been totally omitted, which again is unacceptable.</p> <p>There is no statement on retaining and re-using existing the historic fabric in order to minimise embodied energy and waste. In this regard, the document also fails to integrate the historic environment with other aspects of the policy framework.</p> <p>Policy HE 9.1 of Planning Policy Statement 5 states there is a 'presumption in favour of the conservation of designated heritage assets'; paragraph 183 of the Framework states that 'considerable importance and weight should be given to its (designated assets') conservation'. This would severely weaken the protection towards the historic environment. Although there is a sentence about enhancing conservation areas towards the end of the document, the main paragraph relating to Conservation Areas is devoted to advising Councils not to designate too many. This approach in the draft Framework is considered to be unacceptable.</p> <p>The draft Framework has greatly reduced the importance given to local heritage assets. There is no emphasis on the identification of assets not covered by statutory designation. Given that local heritage assets have no statutory protection, the document would not provide enough support for local authorities to resist development adversely affecting them.</p> <p>The draft Framework states that the Government's objective is to 'conserve heritage assets in a manner appropriate to their significance' (paragraph 177). This would leave locally designated heritage assets vulnerable as it could be argued that their 'significance' is lesser compared to nationally designated heritage assets.</p> <p>In assessing the 'significance', certain assets may be more significant to a particular community than others, which again would leave such assets vulnerable to development.</p> <p>Paragraph 185 states that in the case of applications affecting non-designated assets, 'a balanced judgement will be required having regard to the presumption in favour of sustainable development, the scale of any harm or loss and the significance of the heritage asset'. This is ambiguous and does not provide a strong basis for local authorities to seek conservation of non-designated assets, which are not protected under statutory legislation.</p>

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		<p>Overall, it is felt that the draft NPPF would substantially reduce the protection given to the historic environment given the primacy it gives to the 'presumption towards sustainable and economic development'. The policies appear ambiguous and could be interpreted widely to provide justification towards loss of heritage assets. The protection of non-designated assets has been diminished making them vulnerable under development pressures. The Council, therefore, strongly oppose the proposed policies in the Historic Environment section of the National Planning Policy Framework.</p>
17a	Impact Assessment	<p>The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:</p> <p>Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?</p>
<b>Comments</b>		<p>The draft Framework proposes significant changes to the existing development control framework. There is very little practical help to aiding planning decisions and therefore the Local Plan and the London Plan (in the case of London Boroughs) will be the primary source of policy context. These will have to define matters such as how to carry out the flood risk sequential test, what spaces are considered to be 'truly outstanding' and therefore in need of protection. However, the draft Framework sets out a need to favour planning approval for sustainable development (defined by the development plan) but with an overarching need to give substantial weight to economic growth.</p> <p>These two issues are likely to conflict on a number of occasions. Developers are being encouraged by the language in the draft Framework to promote the economic gains of their development. On the other hand Councils will be seeking to balance sustainable development in terms of social, environmental and economic considerations and they are likely to be challenged by developers who are focussing heavily on the economic issues, which is supported by the Framework. This is likely to result in more planning appeals and more costs to both sides.</p> <p>Furthermore, the draft Framework assumes that residents and neighbourhoods will support development that generates economic growth. This is not always likely to be the case and could further lead to appeals when a developer feels that the 'economic argument' outweighs other concerns.</p> <p>The lack of a sufficient policy 'steer' throughout the draft Framework, is likely to mean that planning authorities will need to provide detailed local guidance themselves on the various technical issues currently covered by the current Planning Policy Statements and Guidance Notes. The development industry may also be faced with different technical requirements from each local planning</p>

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		<p>authority which will further complicate the planning system.</p> <p>We have insufficient data to comment on the cost implications of incorporating existing planning guidance within a single Framework.</p>

## **B: IMPACT ASSESSMENT QUESTIONS**

We have no detailed comments to make on the Impact assessment questions.

On a general note, there is genuine concern that the deletion of robust national planning policies and guidance, accompanied by the increasing responsibility being placed on local authorities to prepare sound local plans with their own standards, will place considerable burdens on local authorities at a time when resources are very limited. Whilst we would support a planning system that provides for local flexibility, there is merit in having a wide range of national policies, standards and targets, that can be used as a general benchmark and to enable developers to know what is generally acceptable in planning terms.

The draft Framework is not likely to restore confidence in the planning system; on the contrary it is likely to cause further loss of confidence particularly in local communities.