

**A British Property Federation response to:  
The Draft National Planning Policy Framework**



**Introduction**

1. The British Property Federation (BPF) welcomes the opportunity to submit its views on the draft National Planning Policy Framework.
2. The BPF is the voice of property in the UK, representing companies owning, managing and investing in property. This includes a broad range of businesses – commercial property owners, the financial institutions and pension funds, corporate landlords, local private landlords – as well as all those professions that support the industry.
3. We are very supportive of the thrust of the draft NPPF but, recognising that certain bodies have some misgivings about aspects of the proposed policies, we have sought to put forward in this response some suggestions for allaying those concerns. We are in discussion with other bodies about some specific changes of wording to parts of the Framework and may be in touch separately about this.
4. It is important to stress, however, that most of the changes that may be appropriate are necessary only to bring greater clarity to the document. Properly read, we believe that it does not have the consequences alleged by those parties who have expressed particular concern. Changes that bring out the balanced nature of the document would be helpful.
5. Much of the draft NPPF is a précis of existing guidance which we feel has been accomplished with considerable skill. In several important areas, therefore, we have no specific comments to offer other than to indicate our general support.

**We believe that the objective should be to create a national planning policy framework which:**

- **is as clear and succinct as possible;**
- **enables the creation of jobs, homes and necessary infrastructure without undue delay and expense; and**
- **takes proper account of the principles of sustainability.**

**Against this broad objective, we feel that the Government has largely succeeded in producing a draft document which is succinct, balanced and comprehensive.**

**The draft NPPF rightly stresses that we must have a planning system which facilitates the development needed to house our population and earn our living in the world. However, it rightly stresses, too, that growth must be delivered in a way that meets the principles of sustainable development.**

## **Consultation Questions**

### **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/Strongly Disagree**

6. We strongly agree.

### **1b) Do you have comments? (Please begin with relevant paragraph number)**

7. Since its publication, the draft NPPF has been subject to strong criticism from a range of bodies who have argued that as drafted, the NPPF and, in particular, the proposed presumption in favour of sustainable development, will fundamentally change the balance of the planning system, allowing almost untrammelled development in the countryside.
8. Much of the criticism has centred on the introduction of the presumption in favour of sustainable development. Whilst the presumption is an important aspect of the emerging NPPF, we do not see it as marking a radical change to the existing planning system. Planning has long operated with a presumption in favour of development and existing policy documents such as PPS4 stress the importance

of a positive approach. Much of the criticism is disappointing and uninformed – more a reaction to change than to the actual words of the draft.

9. Several important points need to be understood about the presumption and, if these are not sufficiently clear to others, the draft could usefully be expanded to explain that:
  - The Local Plan will remain at the heart of the planning system (indeed its pre-eminence is increased by the importance which the NPPF attaches to it as the local vision of a community's future and by the abolition of RSS). The draft NPPF does not and cannot detract from the legal status of Local Plans established by Section 38 (6) of the 2004 Act;
  - The draft could usefully recapture the clear statement in the Practitioners Advisory Group draft which confirmed that planning applications contrary to an up to date plan will normally be refused;
  - We understand what is meant by “the default answer should be yes” – ie where a plan is not clear or definitive, the presumption means that planning permission should normally be granted but the words are unnecessarily provocative and they tend to compete with the clearer meaning of paragraph 14;
  - Whilst it is clear to us from paragraph 14 of the draft that the intention of the NPPF is to put the presumption into plan making, this point appears to be lost on many and could be brought out. It may be sensible to frame paragraph 14 in a box given its importance and to introduce a short paragraph or two after it to spell out its meaning;
  - In preparing a Local Plan, therefore, the presumption will apply to require authorities to meet (their) objectively assessed needs – up to the point where this engages the test of adverse effects set out at the end of paragraph 14. As a result, the country should have a set of authoritative, positively prepared plans; there should be less need for appeals and appeals which conflict with the plans should expect to be refused;
  - Only where up to date plans are not in place or where plans don't tell you the answer on a particular planning application is the presumption employed to determine individual applications. In those circumstances, national policy does need to give a clear steer but the protection against net adverse effects is clearly set out in paragraph 14. Any suggestion, therefore, that this is some form of developers' charter is simply not based on a proper reading of the document.
10. A crucial point, therefore, which so many of those attacking the draft NPPF have ignored, is that the presumption applies to plan making and that, properly prepared, Local Plans can resist unacceptable development just as strongly as the

law allows them to do now. In drawing up a Local Plan, national policy is right to expect communities to start from the proposition that they should try to plan to meet their development needs – surely this is a principal purpose of having a planning system at all. But, in exercising its plan-making function an elected local authority will undertake extensive consultation with their local community and produce a Plan which must reflect an evidence-based assessment of the future economic, housing and other needs of that community. It must also be drawn up paying full regard to the principles of sustainability which involves balancing environmental, economic and social considerations. Where a local authority can demonstrate that its needs cannot be planned for without unacceptable adverse effects, it will not be obliged to do so – the draft is already clear on that point in paragraph 14. As paragraph 22 explains, as well as planning to meet development needs where practical, Local Plans should set out where development is not permitted – and expect to receive the full backing of the law and of the NPPF. As a result much more credibility will attach to policies resisting development if authorities have a Plan which sets out how and where necessary development can take place. **The NPPF and the presumption should, therefore, be seen as underpinning the kind of plan-based approach to planning that many in both the planning and development communities have long been seeking. Accordingly, we strongly support the thrust and emphasis of the NPPF and view the presumption in favour of sustainable development as a key lynchpin of that framework.**

11. Our conversations with conservation bodies suggest that their key concerns are that:

- some local authorities will continue to struggle to produce Local Plans and that, as a result of the operation of the presumption, could then find
- unwelcome and inappropriate development thrust upon them;
- the definition of ‘sustainable development’ is inadequate;
- the ‘tone’ of a number of paragraphs in the draft NPPF gives undue stress to the need for economic growth, over and above other social and environmental considerations; and
- there is insufficient emphasis on the use of brownfield land.

We set out below our responses to each of these concerns.

### **The ability of local authorities to produce and maintain Local Plans**

12. We do not share the concerns expressed for the following reasons:

- In the first place, the presumption should incentivise local authorities to prepare and keep updating local plans. We do not believe that authorities

need to be frightened of the implications of the presumption (because of the clear protection which it contains against significant adverse effects). However, if they are, they have an incentive to prepare plans quickly. The record of plan making to date has been poor – perhaps this will encourage the plan led system to become a reality. There should, therefore, in future be fewer cases of absent or deficient plans.

- Secondly, the suggestion that if there is no up to date plan then ‘anything goes’ is an inaccurate interpretation of the Government’s proposals. If an up-to-date Local Plan is not in force, then decisions about planning applications will be made in accordance with the principles set out in the draft NPPF. The draft NPPF makes it clear that the presumption should apply so as to “grant permission where the plan is absent, silent, indeterminate or where relevant policies out of date.....unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”. That means that the Framework “should be read and interpreted as a whole” (para. 8); decision-makers must consider any application against the whole body of the NPPF, which repeatedly stresses the need to take account of sustainability and lays particular emphasis on the need to protect the Green Belt, valued landscapes and heritage assets as well as support sustainable transport modes and combat climate change.
- Where an authority cannot show/demonstrate that a development would have adverse effects which are significant and which would outweigh the benefit if the development, it must be right that planning permission should be granted.

13. In documents and local development documents that comprise local development frameworks) has been one of the key failures of the current planning regime. We believe that fears would be considerably allayed if there was greater confidence that the vast majority of local authorities were able to adopt and then maintain up-to-date Local Plans. The question, therefore, is whether more specific requirements could be placed on local authorities to produce and keep up-to-date their local plans. We see no reason why this should not be the case. Although local authority resources are stretched, preparing, adopting and maintaining an up-to-date Local Plan should be seen as one of the most important functions of any local authority – particularly in light of the localism agenda. We do not see it as a particularly onerous requirement, as the Government has stressed the need to keep Local Plans as streamlined as possible and for local authorities to jettison extraneous local development documents unless they are clearly essential.

14. **We believe, therefore, that the broad acceptability of the Government’s planning proposals would be enhanced if there was a clearer and more enforceable obligation on authorities to produce and maintain Local Plans. Consideration could be given, for instance, to the feasibility of having set target periods for the preparation and review of core strategies.**

## The definition of sustainable development

15. Another concern that has been expressed is that the presumption in favour of sustainable development depends on there being a sufficiently robust definition of what is meant by 'sustainable development'. The definition of sustainable development in the draft NPPF uses the classic Brundtland definition and talks appropriately about balancing economic, social and economic considerations. The Brundtland definition has the merit of familiarity. However, we recognise that it was designed to cover a wide spectrum of issues relating to the development of nations rather than built development per se and we are not wedded to this definition if a better form of words can be found. The consultation, therefore, provides an opportunity to consider whether any better forms of words might be available.

We would nonetheless make the following points:

- However detailed a definition is provided there will always be a need for what constitutes sustainable development to be interpreted at a local level and within the context of a particular case/circumstance.
- **The interpretation of what constitutes sustainable development does not rest simply on the references in the document to the Brundtland Commission but on the wording and interpretation of the document as a whole. The draft is clear, for instance, what Government expects in relation to the natural environment, heritage interests etc. When judged in that light we think that the issue of what sustainable development means is explained in a comprehensive way.**
- **Whether the definition is changed or not we urge the Government not to amend the decision making mechanism set out at the heart of the draft in paragraph 14. In particular, it would be a disaster if a different approach was taken to decision making which required all development to prove its sustainability before it qualified for the presumption. The speed and clarity of decision making which the country needs would be put back enormously in favour of endless debates about whether particular developments are truly sustainable. Clarity is a necessary quality of the NPPF and it must be clear about the test to be applied in preparing plans or, as is so often the case where plans don't provide the answer.**

## The tone of the consultation document

16. The draft NPPF stresses the need to provide homes and jobs for those who need them, but always in the context of taking proper account of environmental and social considerations which are set out at some length throughout the document. Whilst we do not believe, therefore, that the document rides roughshod over social and environmental concerns, we recognise that there could be scope for amending certain wording to allay concerns. The suggestions we have made above would

help to clarify the document, remove some of the more contentious language but, importantly enhance rather than detract from the principal objectives of the draft.

## **Maximising the use of brownfield land**

17. One change which has sparked particular concern is the fact that the draft NPPF does not specifically refer to a 'brownfield first' approach, but rather says that the emphasis should be on allocating land of, "*least environmental or amenity value where practical*", first (para. 165) and seeking, "*... to use areas of poorer quality land in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations or the Local Plan's growth strategy and where poorer quality land is unavailable or unsuitable*" (para. 167). We want to see as much new building as possible take place on brownfield land. However, in many respects we see the new wording as an improvement as it recognises the fact that some 'brownfield' land may be of high environmental quality whereas some non-brownfield land may be of lower environmental quality. **However, whilst we do not see the reintroduction of a sequential approach as the way forward, if some explicit reference to brownfield land would allay concerns then we would accept the adjustment of wording accordingly.**
18. **We recognise that the draft was not suggesting abandoning the principle of brownfield first – rather recognising that it should be for local authorities to determine the best strategy for their communities. Nevertheless, if this point is lost on others, we also think that if such adjustment(s) are made, it would make most sense for local authorities to be expected to set out in their Local Plans policies for maximising the use of brownfield land in their areas. This should still allow authorities to set down a different strategy if that is required for the circumstances of their area but it would mean that such an approach would have to be justified as an exception.**
19. If we are to maximise the use of brownfield land, much greater effort needs to be directed towards the remediation and the regeneration of such land both within and outside the planning system, much of which suffers from contamination and other problems. At a time of cuts in public spending, the budgets and reliefs available to help bring such land back into use are under particular pressure. **The NPPF could possibly help by stipulating that in determining a planning application for a new use for contaminated land, a decision-maker should treat its funding of the site's remediation as a material consideration.**

### **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/Disagree/Strongly Disagree**

20. We strongly agree

**Do you have comments? (Please begin with relevant paragraph number)**

21. The draft NPPF crucially spells out that Local Plans:

- should be as streamlined as possible with supplementary planning documents only produced where there is a demonstrable need. This is vital if Local Plans are to be produced in a timely way and kept updated.
- should set out strategic priorities for the area.
- must be based on adequate, up to date and relevant evidence about the economic, social, and environmental characteristics and prospects of the area.

22. A key question is whether the NPPF, Local Plans and Neighbourhood Plans complement each other or create contradictions. In particular, is the pro-growth message in the draft NPPF compatible with the delegation of some plan-making powers to neighbourhoods (and their ability to make the new Local Development Orders), when they may not necessarily welcome new development?

23. We understand that the Government believes that these various elements are compatible because:

- The draft NPPF requires local authorities to put together Local Plans that are based on a rigorous evidence-based assessment of their future needs for housing and economic growth. Whilst targets are no longer imposed on local authorities from above (as was the case under the former regional planning regime), local authorities will still be required to act responsibly. Ignoring the future needs of their communities is not an option.
- Neighbourhood Plans have to be compatible with Local Plans and cannot therefore opt for less development than that envisaged in Local Plans. Ministers do not believe that this undermines localism as they feel most local communities are not intrinsically opposed to new development and can have influence over local plan preparation. It is the lack of control that they can exercise over its location and appearance that is instrumental in stoking opposition. We understand that the Government's view is that giving communities much greater control over where development goes and what it looks like, therefore, should make those communities much more willing to accept development. Ministers also believe that neighbourhoods will be more willing to accept development if they can see clear benefits flowing from it for their communities. Hence the current CLG consultation on measures for allocating a proportion of the Community Infrastructure Levy for neighbourhood use.

24. Much of the above makes good sense. However, there are many in the development community who, nonetheless, see some inherent conflict between the growth and localism agendas. They are not convinced that neighbourhoods will be as welcoming of new development as Ministers expect. Indeed, there is an irony in that many conservation bodies are suggesting that the Government's planning

reforms are a 'licence to develop', whilst most developers are yet to be convinced that the new development planning and management regimes, taken as whole, will make development easier to achieve.

25. **We believe, therefore, that the approach set out to plan-making – particularly the streamlining of plans and the emphasis on an evidence based approach – is the right one. However, there needs to be greater clarity about the interface of Local Plans with Neighbourhood Plans. In particular, there is a need for clarity within paragraph 51 about the process of updating a Local Plan where a Neighbourhood Plan has been adopted. It should spell out that the situation should stay as it is now, namely that the most recent plan should hold the greatest sway.**
26. We would make one further point. The section on neighbourhood plans (para 49 et seq) spells out that neighbourhood plans should be "*in general conformity*" with the strategic policies of the Local Plan. Outside these strategic policies, Neighbourhood Plans would be able to shape and direct development in their areas. **The crucial point, therefore, is what constitutes a 'strategic policy'. We do not think that this is at all clear at present and would like to see greater clarity about what these 'strategic policies' encompass. Paragraph 44 is helpful in this respect but a cross reference in paragraph 50 would be sensible. In addition, it is unclear as to how neighbourhood plans would be managed in areas where the Local Plan is out-of-date or non-compliant with the NPPF. It is important in this respect that paragraph 52 is amended – it must be right to expect Neighbourhood Plans to do more than merely "have regard to" the NPPF. The NPPF is the central and essential statement of Government policy – its objectives could be undermined if any development plans are allowed to be adopted which are not obliged to be consistent with it.**

### 2c) Joint working

**The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

27. We agree that the proposals have been improved but their workability will need to be tested in practice.

### 2d) Do you have comments? (Please begin with relevant paragraph number)

28. There is a crucial need for local planning authorities to address those planning matters - ranging from housing need and transport to minerals and waste issues - that cut across local authority boundaries and which require the involvement of a range of statutory and non-statutory bodies,. We were concerned that the

Government's solution – the duty to cooperate in the Localism Bill, as originally published - was far from adequate and we are pleased that the Government has considerably strengthened it in response to the widespread concerns that have been expressed. We welcome the fact that the draft NPPF also sends out the right messages about the need for local authorities to plan strategically in relation to the strategic priorities identified in the draft Framework and for them to be able to demonstrate evidence of having successfully co-operated.

29. Inevitably, however, the degree of co-operation on strategic planning achieved will depend to a large extent on the willingness of neighbouring authorities to adopt a positive and pro-active approach to the duty to co-operate that has been imposed on them. That is almost certainly going to lead to very variable outcomes. A good deal of emphasis is being placed on the potential for Local Enterprise Partnerships (LEPs) to help make the duty to co-operate a reality. However, the ability of LEPs to help will depend heavily on the willingness of local authorities to resource them adequately. LEPs are as yet an unknown quantity and their performance is bound to be variable.

30. The whole area of strategic planning is of major importance. There is a real danger, for instance, that some authorities will seek to pass the buck to neighbouring authorities in areas such as housing need. **The new soundness tests set out in paragraph 48 are important in ensuring that plans are not adopted unless they can show that they have been based on effective joint working. It is important that these tests are rigorously enforced. It is also essential, therefore, that the Government should undertake to review the operation of the new system once it has been introduced, and show a willingness to make whatever adjustments may be needed in the light of experience. In order to do this, it may need to reserve a power to make regulations to prescribe how the duty to co-operate should operate. Such a power may not need to be used in practice but its existence would impose a discipline on authorities to co-operate effectively where necessary.**

### 3a) Decision taking

In the policies on development management, the level of detail is appropriate.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

31. We agree.

### 3b) Do you have comments? (Please begin with relevant paragraph number)

32. The strong emphasis on the importance of pre-application stages is particularly welcome but clearly the ability of local planning authorities to deliver this in practice will be dependent on the resources at their disposal.

33. Equally welcome is the emphasis on local planning authority requests for information on matters such as Environmental Impact Assessments being proportionate to the nature and scale of the proposals. In practice, however, authorities often adopt a cautious, even lazy approach of asking for standard information whether it is relevant or not. Many potential applicants will be sceptical whether this will change in practice, particularly if resources are stretched.

**4a) Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

34. We largely agree and we are aware that practitioners across the public and private sectors can work productively to apply their practical experience in producing (and reducing) the necessary guidance to complement the initiative of the NPPF. However, we are not convinced that the need for further guidance from Government will be obviated entirely. When the NPPF is launched the Government should be in a position to explain its implications for existing guidance and regulations and to have thought through what additional guidance might be needed.

**4b) What should any separate guidance cover and who is best placed to provide it?**

35. **As indicated above, we do not believe that the NPPF will entirely obviate the need for more detailed formal guidance from Government on a number of issues.** For instance, the Localism Bill may give rise to a need for some additional guidance on the process of neighbourhood planning. **However, any such guidance should sit firmly under the NPPF and every effort should be made to keep such guidance to a minimum.**

36. The Government has made it clear that it will in future largely be up to industry bodies and associated professions to produce whatever 'informal' guidance or good practice that they feel may be needed. We are aware of and involved in current projects to produce good practice guidance in two areas: the historic environment and the production of housing market assessments. A key question, however, is what status such 'informal' guidance will have; in particular what weight will decision-makers (local authorities, CLG's Secretary of State and the Planning Inspectorate) attach to it? **Our view is that these decision-makers are likely to attach greater significance to such guidance if it can be demonstrated that the guidance:**

- **has been produced in response to a widespread feeling that there is a need for it;**
- **has been drawn up by a broad and inclusive group of bodies, rather than a particular interest group;**
- **is clearly evidence-based; and**

- **has been the subject of widespread consultation.**

37. The concerns that we have about the concept of industry / planning bodies producing sets of guidance are that:

- There is a danger that there could be a proliferation of guidance which over time could lead to a re-creation of the PPSs and PPGs that are being cancelled. It will be important to be aware of the danger of 'guidance creep'.
- Producing evidence-based guidance that has been subject to widespread consultation is a costly business and the kind of planning and other bodies best placed to produce it have very limited funds available to enable them to do so. It is not surprising; therefore, that the emerging heritage guidance referred to above is being facilitated by English Heritage. It may be that other arms of Government will need to offer some support to enable guidance to be produced in areas where it is deemed to be useful.

**38. Some co-ordination of guidance would be helpful so that we do not see overlapping and uncoordinated sets of guidance that would simply cause confusion. At the very least, we consider that the Government should scope the extent of guidance required and identify the parties that it considers are best placed to produce it as well as introduce some form of endorsement, possibly administered by the Planning Inspectorate, so that local authorities and the development industry know exactly which guidance should be used and can therefore achieve a necessary degree of consistency. It would also be helpful to have a central repository where such guidance could be lodged.**

#### **5a) Business and economic development**

**The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

39. We strongly agree

#### **5b) Do you have comments? (Please begin with relevant paragraph number)**

40. We particularly endorse the emphasis on greater liaison between planning authorities and business. There is a role for some detailed work to underpin an evidence based approach to planning for business but, more importantly we agree that authorities should be encouraged to listen to and work with business – business is an essential part of any community.

#### **5c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?**

41. Relative land values give a clear indication of where planning is helping to create a scarcity or an over-supply. Of course, we do not expect planning to be driven wholly by reference to land values but we welcome the recognition in the draft of the recognition of their importance as an indicator of the requirements which Local Plans should be seeking to meet.

**6a) 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.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

42. We strongly agree.

**6b) Do you have comments? (Please begin with relevant paragraph number)**

43. Some have expressed concern about the omission of offices from the sequential test under which it is required to make efforts to locate new development first in town centres and only as a last resort in out of town locations. Clearly, the sequential approach has the greatest relevance to the retail sector as concerns about the health of town centres tend to focus primarily on the perceived threat of out-of-town retail developments. To a lesser extent, the location of leisure developments is of concern for similar reasons. It is probably the case that, whether or not offices are included in the sequential test, the preferred location of most new office development will continue to be in town centres for reasons connected with transport links and agglomeration (i.e. the advantage that businesses receive from locating together).

44. Any reconsideration of the case for including offices in the sequential test needs to take into account that:

- The arguments for including retail and office development are very different;
- Office development outside town centres may be important for many reasons, not least to support the rural economy;
- In the current economic cycle we cannot afford to turn away office investment if there are good reasons for it to be a non-central location;
- It is important that office requirements are not compromised by an insistence on a town centre location where suitable sites do not exist; and
- Modern office requirements do not always sit well, for instance, with the scale and sensitivity of some town centre environments.

45. We have less sympathy with those expressing concern about an alleged weakening in the town centre first approach for retail development. We strongly support a town centre first policy and we believe this is clearly reflected in paragraphs 72, 76, 77 and 78. We particularly agree with the requirement in paragraph 76 for a positive approach to planning town centres. It is important for the economy and for every community that town centres are planned proactively to meet modern development requirements. If authorities want to resist out of centre development, for instance, they must plan their town centres in such a way that development requirements are met – policies against out of centre development then carry greater weight and authority. Seen in this way, the draft NPPF is a recipe for planning stronger, more dynamic town centres.

**7a) Transport**

**The policy on planning for transport takes the right approach.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

46. We agree

**7b) Do you have comments? (Please begin with relevant paragraph number)**

47. We are pleased that the essential elements of guidance from PPG 13 are clear in paragraphs 82-94 and paragraphs 124-126 which are concerned with the creation of integrated, sustainable communities. We particularly welcome paragraph 86 which provides clarity in the determination of planning applications on transport grounds, which is currently lacking in national policy. It also sits well with the working of CIL which should help to address wider transport infrastructure issues in an area – leaving individual applications to address that which they reasonably can.

**8a) Communications infrastructure**

**Policy on communications infrastructure is adequate to allow effective communications development and technological advances.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

48. We agree

**8b) Do you have comments? (Please begin with relevant paragraph number)**

49. We have no specific comments

**9a) Minerals**

**The policies on minerals planning adopt the right approach.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

50. We neither agree nor disagree

**9b) Do you have comments? (Please begin with relevant paragraph number)**

51. We have no specific comments

**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/Disagree/Strongly Disagree**

52. We strongly agree

**10b) Do you have comments? (Please begin with relevant paragraph number)**

53. Given the widespread concern about the very low levels of housing supply and the implications that these have (e.g. for falling levels of owner occupation, lack of opportunity for first time buyers and constraints on economic development), the recasting of the housing elements of planning policy in the NPPF is particularly important. There is a welcome and necessary emphasis in the draft Framework on significantly increasing housing supply, delivering greater choice, widening opportunities for home ownership and creating communities that will remain viable in the longer term. **We are particularly pleased to see:**

- **The need to maintain an evidence base to ensure that the Local Plan meets the full requirements for both market and affordable housing in the housing market area.**
- **The rolling five year supply of deliverable sites including an additional 20% to ensure choice and competition. We note that there has been widespread misunderstanding about this provision and the message needs to be sent out more clearly that this is not an increase in the total amount of housing to be provided.**
- **The recognition of the importance of market housing needs as well as affordable – indeed it is the chronic under provision of market housing which has exacerbated the affordable housing problems in many areas;**
- **The recognition that it may make more sense in some circumstances to commute affordable housing payments off site, where they can often achieve greater benefit by contributing to wider affordable housing schemes and objectives.**

54. There is a change of policy in the draft NPPF, which removes the indicative policy of Government to require affordable housing on developments of 15 units or more, and replace this with greater flexibility for local authorities to determine their own policies. Affordable housing is then defined in the glossary in line with PPS3. The result of the change is to give local authorities greater flexibility to define when affordable housing requirements will be required, which we broadly welcome. This greater flexibility could either result in affordable housing being required in smaller developments, or going beyond the current indicative 15 units, or we presume no requirement at all.

**55. We find, however, that in a world with less housing grant, local authorities are increasingly seeking to be innovative in the mix of housing they provide, and what is defined as affordable should be left to the local authority. There is also ambiguity in the current definition of 'affordability' which is carried forward from PPS3, when it states:**

*'Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.'*

We understand and support the intention of this approach, but there is unnecessary ambiguity over what is 'subsidy'. Does it include grant, public land, land contributed by the developer?

#### **11a) Planning for schools**

**The policy on planning for schools takes the right approach.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

56. We agree

#### **11b) Do you have comments? (Please begin with relevant paragraph number)**

57. We have no specific comments

#### **12a) Design**

**The policy on planning and design is appropriate and useful.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

58. We agree

#### **12b) Do you have comments or suggestions? (Please begin with relevant paragraph number)**

59. Para 114 et seq: We believe that local communities would be much more accepting of development if they felt assured that it was going to be designed to a

high standard. Although there are many current examples of good design, the overall picture is very variable. The advent of neighbourhood planning may well mean that developers in future will have to pay more attention to good design. The emphasis on design quality but also on the benefits of innovation is welcome. **The draft NPPF sends out the right messages about design, but will need to be complemented by effective implementation at the local level via local plans and appropriate design review processes for planning applications.**

**13a) Green Belt**

**The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

60. We strongly agree.

**13b) Have you comments to add? (Please begin with relevant paragraph number)**

**61. We do not believe that the draft NPPF dilutes in any significant way the existing protection afforded to the Green Belt.**

62. We were very surprised; therefore, that some bodies have referred to the draft Framework as heralding Los Angeles-style urban sprawl with the clear implication that it poses a particular threat to the Green Belt. It is quite clear, as Ministers have reiterated, that there is no threat to the Green Belt.

**14a) Climate change, flooding and coastal change**

**The policy relating to climate change takes the right approach.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

63. We agree.

**14b) Do you have comments? (Please begin with relevant paragraph number)**

64. We have no specific comments except to say that we have been surprised by the criticisms of others that the draft does not take climate change seriously. We read paragraphs 148 onwards as being very clear of the priority that Government attaches to planning for climate change – including the necessary emphasis on planning for renewable and low carbon energy.

**14c) The policy on renewable energy will support the delivery of renewable and low carbon energy.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

65. We agree.

**14d) Do you have comments? (Please begin with relevant paragraph number)**

66. We have no specific comments. We support the approach.

**14e) 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  
Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

67. We agree

**14f) Do you have comments? (Please begin with relevant paragraph number)**

68. We have no specific comments.

**14g) The policy on flooding and coastal change provides the right level of protection.  
Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

69. We agree.

**14h) Do you have comments? (Please begin with relevant paragraph number)**

70. We have no specific comments.

**15a) Natural and local environment**

**Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

71. We agree.

**15b) Do you have comments? (Please begin with relevant paragraph number)**

72. We like the positive emphasis in the draft on the need for authorities to plan for environmental enhancement, which we see as a useful step forward from current protectionist guidance. We also agree with paragraph 169 that significant impacts should be mitigated where practical. We do think there may be a need to consider whether paragraph 169 competes with or confuses the approach to decision making set out in paragraph 14 – it should always be necessary to balance impacts against benefits. The same point applies to paragraph 16, which we presume is intended to mean that such development does not qualify for the presumption,

rather than that it is necessarily unacceptable when its benefits are taken into account and if it meets other statutory tests for development in designated areas.

**16a) Historic environment**

**This policy provides the right level of protection for heritage assets.**

**Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree**

73. We agree subject to one significant concern to which we draw attention below.

**16b) Do you have comments? (Please begin with relevant paragraph number)**

74. The insertion of Paragraph 187 in the draft NPPF reverses the currently accepted approach to the treatment of buildings in conservation areas. It would mean that the demolition of an unlisted building in a conservation area, one which makes even the smallest positive contribution to that Area, would be deemed automatically to constitute substantial harm. This would have far-reaching consequences given the fact that most of central London, for instance, falls within the boundaries of conservation areas.

75. The paragraph appears to be a mistake, although we note that it was not present in the PAG draft. It cuts across the approach of the NPPF as a whole, which is to weigh the merits of all matters on their merits, rather than to artificially pre-determine outcomes. All necessary protection for the value of non-designated heritage assets is provided, for instance, in paragraph 184 and 185.

**76. In our view, Paragraph 187 is inconsistent with the principles set out in Paragraphs 177 and 180, relating to the particular degree of significance; is lacking in proportionality in the approach to unlisted buildings in conservation areas; and makes demolition of unlisted buildings in conservation areas subject to the same tests as a Grade 1 Listed Building. This would seriously undermine development in central activity zones and cannot surely be what the Government intends to achieve.**

**Further Comments**

We would be pleased to clarify or amplify any of the above comments. Please contact:

Michael Chambers

[mchambers@bpf.org.uk](mailto:mchambers@bpf.org.uk)

Ghislaine Trehearne

[gtrehearne@bpf.org.uk](mailto:gtrehearne@bpf.org.uk)