

## Report for Information

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| <b>Report to</b> | Cabinet<br>12 October 2011                                     | <b>Item</b> |
| <b>Report of</b> | Head of Planning Services                                      | <b>8</b>    |
| <b>Subject</b>   | Draft National Planning Policy Framework consultation response |             |

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### Purpose

To approve the response of Norwich City Council to the current consultation on the draft National Planning Policy Framework (NPPF) which closes on 17th October.

### Recommendations

To:

- 1) submit this report and the attached appendix as the response of Norwich City Council to the consultation on the draft National Planning Policy Framework; and
- 2) delegate authority to the Head of Planning, in consultation with the portfolio holder for planning and transport, to make further representations and suggest detailed wording in support of the points raised in the response.

### Financial Consequences

There are no direct financial consequences for the council relating to this consultation response. The National Planning Policy Framework, if approved in its current form, would have some financial impacts on the authority. These are considered further in the report.

### Risk Assessment

Not applicable.

### Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the service plan priority to deliver the Local Development Framework for Norwich

**Cabinet Member:** Cllr Bremner

**Ward:** All

**Contact Officers**

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**Background Documents**

None

## Report

### Introduction

1. The Coalition Government's National Planning Policy Framework ("the NPPF") was issued as a draft for consultation on 27 July 2011 for a period of twelve weeks. The NPPF is available to download at the link below. Comments are invited on the draft before Friday 17 October 2011.

<http://www.communities.gov.uk/documents/planningandbuilding/doc/1980960.doc>

2. This report gives a background to the consultation, identifies the main issues associated with the consultation for Norwich City Council and sets out a draft response. This issue was also considered by the Sustainable Development Panel on 28<sup>th</sup> September and this report has been amended to reflect comments made at that meeting.
3. As well as the consultation questions on the content of the draft NPPF, views are also sought on the accompanying impact assessment published with the NPPF. All draft responses are in appendix 1.
4. The government's stated aim is to streamline and speed up the statutory planning process by eliminating what is seen as unnecessary regulation and bureaucracy acting as an impediment to growth. Also the intention is to re-focus the responsibility for local decision-making on planning authorities working in co-operation with stakeholders to determine how their local area will develop. Local communities will be empowered (under the provisions of the Localism Bill) to produce their own neighbourhood plans to complement the local plan for the area.
5. The NPPF should not be considered in isolation, but is part of a wider set of changes the government is consulting on and making to the planning system. These include:
  - The Localism Bill – involving the abolition of Regional Spatial Strategies and devolving some planning powers to neighbourhood bodies.
  - New planning policy for free schools;
  - Consultation about change of use in the planning system;
  - Consultation about allowing conversion of offices;
  - Revisions to Planning regulations;
  - Consultation on Planning for Travellers.
6. The NPPF consolidates into a single 52-page document the advice and guidance set out in the current suite of twenty separate Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) which the Government consider to be unnecessarily prescriptive and repetitive. These separate policy statements would all be superseded by the NPPF.
7. The NPPF is arranged in sections setting out the government's key planning objectives in each policy area and how it expects local planning authorities to formulate their local planning policies and make decisions on planning applications in order to best deliver those objectives. Decisions and policies

would have to be consistent with the local plan for the area and with the sustainable development principles and objectives set out in the NPPF. It states this degree of simplification will leave local authorities open to develop policies at a local level which are flexible and appropriate to their area's needs and priorities and those of the communities which they serve.

## **Content and Direction of the NPPF**

### **8. The draft NPPF:**

- revises how plans should be prepared;
- sets the framework for revised policies, with a greater focus on economic development, in relation to Development Management
- will necessitate transitional arrangements (see paragraphs 20-24 of this report for further detail).

### **9. The language of the NPPF is particularly pro-development. There is a strong emphasis throughout it on promoting sustainable economic growth through the planning system and a "presumption in favour of sustainable development", which is reiterated several times in the document. It states:**

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:

- prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes
- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

All plans should be based upon and contain the presumption in favour of sustainable development as their starting point, with clear policies that will guide how the presumption will be applied locally."

### **10. To emphasise this, under core planning principles it goes on to state:**

“Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in this Framework.”

11. The pro-development theme is continued throughout the document, although it should be recognised that the NPPF does seek to recognise the importance of retaining many of the current features of the planning system including policies for environmental protection and the creating of sustainable communities, albeit with a much reduced level of detail.

### **Potential National implications of the NPPF**

12. The implications of the draft NPPF alongside the other proposed changes to the planning system are difficult to assess at this stage. However, in view of the strength of the language used, the NPPF will put pressure on local planning authorities to make more favourable decisions on applications. Therefore it is difficult to avoid the conclusion that in some circumstances:
  - a) the currently worded draft NPPF (if implemented) would see developments considered acceptable in locations where they currently are not;
  - b) it could be significantly more difficult to implement planning strategies reliant on attracting development to town centres and promoting urban regeneration (since the primacy of town centres for particular forms of development has been abandoned in the draft NPPF, as has the presumption that previously developed sites should be considered for development before greenfield land);
  - c) established strategies to reduce reliance on the private car and promote accessible patterns of development favouring more sustainable modes of transport may be undermined, since the NPPF no longer contains any explicit requirement to reduce the need to travel. This could, in the long term, have a potentially serious impact on the ability of local authorities to achieve the carbon reduction targets required to move to a low carbon economy; and
  - d) on sites where the principle of development is not in dispute, the way in which sites are developed will change as the extent to which local authorities are able to influence the development industry through the planning process to deliver a form of development in the public interest will be reduced.
13. The extent to which this will have significant adverse environmental impacts remains to be seen. Much will depend on the stance taken by Local Planning Authorities, Planning Inspectors and the Secretary of State in considering planning applications and any subsequent appeals against their refusal. In some ways it is difficult to reconcile the strongly pro-development NPPF with measures in the Localism Bill to give local communities more power and influence. It has to be questioned whether, after having abolished the Regional Spatial Strategies on the grounds they were considered to impose unwelcome housing targets on resistant communities, there will be the political will for the Secretary of State to drive through individual development proposals in the face of opposition from local communities and local planning authorities.

14. It is also considered that the impact of the NPPF will tend to be lessened as it is thought to be unlikely that it will have the effect of simplifying the planning system and reducing bureaucracy to the extent that is suggested.
15. It is acknowledged that the reduction of over a thousand pages of national policy to around 50 pages will to some extent simplify the planning process. The NPPF is also generally a much more readable document than the current suite of Planning Policy Statements and Guidance. It does, however, rather miss the point that much of the complexity and delay in the planning system is caused by existing primary legislation (and how this has been interpreted in the courts) which is not proposed for simplification and that much of the content of the current suite of PPSs and PPGs actually seeks to provide advice to local planning authorities and developers about how to navigate this legislative framework.
16. To illustrate this point it should be noted that since the enactment of the 1990 Town and Country Planning Act, considerable further legislation has been overlaid on the basic framework. This includes the following:
- Planning and Compensation Act 1991
  - Environment Act 1995
  - Human Rights Act 1998
  - Countryside and Rights of Way Act 2000
  - National Heritage Act 2002
  - Planning and Compulsory Purchase Act 2004
  - Natural Environment and Rural Communities Act 2006
  - Commons Act 2006
  - Sustainable Communities Act 2007
  - Planning Act 2008
  - Planning and Energy Act 2008
  - Housing and Regeneration Act 2008
17. The Localism Bill will add to this list when enacted.
18. This legislation is supported by a host of statutory instruments providing the regulations and orders needed to make the legislation work. In addition to UK legislation further European legislation has also been added notably in relation to environmental protection (requiring Strategic Environmental Assessment of most plans and Environmental Impact Assessment of individual development proposals in certain instances).
19. Due to the above factors it is considered likely that the immediate impact of the NPPF on the planning system, particularly with regard to the acceptability of development in the countryside, is less than has been suggested by some commentators and interest groups and it will be some time before the full impact of the NPPF becomes clear due to the likelihood of legal challenge to decisions that appear to have been particularly influenced by it.
20. Any uncertainty may be exacerbated as the draft NPPF does not set out a clear structure for how transitional arrangements will be addressed.

21. Under the drafted NPPF transitional arrangements, it will be open to local planning authorities to obtain a “Certificate of Conformity” to show that their existing plans conform with the NPPF, though more recent government statements have suggested that local planning authorities must obtain such a certificate. While it remains to be seen what form this process will take, whether or not a Certificate of Conformity is sought or granted, adopted development plans, including saved policies, will remain in place as a matter of law. Therefore local policies will still be the prime considerations in making decisions on planning applications, even if there is no Certificate of Conformity with the NPPF.
22. There would appear to be an implication in the NPPF (in para 26) that the above is not the case and that where plans are not consistent with NPPF decisions should be based on the NPPF alone. If it is government’s intention to effectively revoke plans prepared prior to the NPPF and considered inconsistent with it or reduce them to being of insignificant weight, then it is suggested this change of this significance needs further consideration. The Secretary of State has many powers under the Planning Acts include the power to direct local authorities to review their plans in whole or in part where he gives reasons for this. However, he has no power allowing him to require the wholesale revocation of the existing Development Plan.
23. If the intention is to radically reform the planning system this cannot be achieved simply by introducing a simplified national planning policy framework. It is likely to require primary legislation which amends the law underpinning that framework. Seeking to expedite changes to the system through the NPPF alone risks creating a situation potential analogous to the failed attempt to abolish Regional Spatial Strategies (that was challenged by Cala Homes). In the Cala Homes case, the courts ruled that ministers had acted beyond their powers in revoking Regional Spatial Strategies without primary legislation.
24. The degree of uncertainty about the status of currently adopted Development Plans that will follow from the NPPF is most unwelcome and may even add to the delays and uncertainties associated with the planning system until challenges are resolved. In order to avoid this, the NPPF should be more explicit on this point and allow for proper transitional procedures to be put in place.

### **Potential Local Implications of the NPPF**

25. The impact of the NPPF will vary from place to place. It would appear likely that it will have a greater impact in places without an up to date development plan in place.
26. Currently the adopted development plan for Norwich consists of a suite of strategic and local planning policy documents as follows:
- The East of England Regional Spatial Strategy (the *East of England Plan*) adopted in May 2008. The East of England Plan and other Regional Spatial Strategies are set to be formally abolished following the enactment of the Localism Bill.

- The *Joint Core Strategy* (JCS) for Broadland, Norwich and South Norfolk, adopted in March 2011. The JCS is subject to an ongoing statutory challenge to its validity which is expected to be determined in the High Court in early December 2011.
- The saved policies of the *City of Norwich Replacement Local Plan*, adopted in November 2004.
- The area-specific *Northern City Centre Area Action Plan*, adopted in March 2010, whose policies and proposals supersede the local plan in that area of the city.

27. The present City of Norwich Replacement Local Plan will be replaced by the emerging Site Allocations DPD and Development Policies DPD, both of which were consulted on in draft between January and March 2011 and are on track for adoption before the end of 2012.
28. The term *Local Development Framework (LDF)* is not used in draft NPPF nor accompanying planning regulations as a collective term to describe a suite of related planning documents. Instead the term *local plan* is once again used. For most authorities, a local plan will, like an LDF, consist of a portfolio of planning policy documents. Since many authorities, Norwich included, will still have old style self-contained Local Plans (capital “L”, capital “P”) in force which are inherited from the pre-2004 planning system, to re-employ “local plan” in the NPPF to mean something different again is very likely to lead to more confusion in the public mind rather than simplifying matters.
29. Importantly, the streamlining of national policy guidance, together with the imminent abolition of Regional Spatial Strategies means effectively that *all* substantive planning policy content below national level must now be included within a local plan prepared by the local planning authority. However, where higher level strategic plans have been adopted very recently (as with the Joint Core Strategy), the accompanying draft regulations make it clear that these existing plans can be regarded as “the local plan” and there will not be a requirement for a single replacement plan to be prepared from scratch. Thus the JCS, and saved Replacement Local Plan and Northern City Centre Area Action Plan policies remain part of the development plan, though the NPPF makes it optional (as currently drafted) to obtain a “Certificate of Conformity” to show that these conform with the NPPF.
30. Since standing advice is that local policy documents should not repeat higher level policies and guidance, emerging plans such as the DM Policies DPD do not currently include policy content which relates to general principles because this detail can be found in national planning policy statements. However, unlike the more recent PPSs, the NPPF does not in fact contain specific numbered planning policies presented as they would be in a lower level plan. Rather it adopts the format of the earlier PPGs in being a series of advice statements, albeit that the advice must generally be followed.
31. The implication of streamlining national guidance to this extent and replacing detailed policies with generic advice is that local plans will need to re-incorporate policy content which sets out those principles explicitly. As a result



our own plans will need to be more detailed than they are now, particularly where the Joint Core Strategy (written in the context of not repeating higher level policy) does not give sufficient strategic guidance.

32. Therefore the NPPF creates complications for progressing the emerging site allocations and development plan policies to adoption. Where the focus of government policy is likely to change, more extensive redrafting of the plans may be necessary in order to ensure that it is sound (including meeting the new test of soundness requiring plans to be “positively prepared”). Should this involve a change in direction of local policy which departs significantly from the draft plans, additional public consultation might be required. The council must also ensure that any new or amended policy content can be justified by evidence and that sufficient resources are available within the planning service to commission and undertake any necessary evidence studies, alongside the required sustainability appraisal of amended policies.
33. These factors will have cost implications for the council. Although these are difficult to quantify at present, it should be noted there is likely to be some impact on the timetables for preparing emerging Development Management and Site Allocations planning documents to allow for consideration of the issue.

### **Norwich City Council consultation response**

34. The proposed full and detailed consultation response to the NPPF and impact assessment is appended to this report (Appendix 1).
35. To add weight to the final detailed consultation response, the intention is to also submit this report to CLG.
36. The response supports the need for a reduction in government policy and devolving more decision making to local councils. It make it clear that Norwich has a very strong record of promoting urban regeneration and the council remains ready, willing and able to promote further development within the city to help meet national housing and other development needs. However, it flags up a number of potential impacts for Norwich which are of considerable concern which could undermine urban regeneration. The most significant ones are listed below:
- the potential for the proposed content of the framework and associated proposals concerning change of use reported to Cabinet previously to undermine Norwich City Council’s long term and relatively successful strategy of retaining offices and hotels in the city centre and protecting industrial estates from inappropriate development.
  - the removal of the “brownfield first” principle, the abolition of minimum housing densities, dilution of the “town centres first” sequential test and the presumption that development anywhere will be approved where there is no up-to-date plan in place. The concern is that these changes together, particularly if the challenge to the JCS is successful or there are difficulties in obtaining a Certificate of Conformity for the strategy, could result in pressure for a significantly more dispersed, and therefore far less sustainable and urban focussed pattern of development in greater Norwich.

- related to this, the NPPF requires local planning authorities to have an increased supply of sites available for housing development. This, in itself, will not lead to delivery of new housing in cities like Norwich. There are approximately 6,000 dwellings on numerous brownfield sites in Norwich with planning permission or allocated for housing in the Replacement Local Plan. It is development economics, rather than a lack of supply of sites for development cited in the NPPF, that is restricting the delivery of housing. The NPPF impact assessment refers to the greater costs associated with brownfield rather than greenfield sites and the potential to use brownfield sites for other uses. The government strategy in the NPPF therefore is to enable less sustainable greenfield development, potentially at the expense of sustainably located sites such as St. Anne's Wharf.
- uncertainty surrounding "Certificates of Conformity" and primary legislation relating to adopted plans leading to a significant increase in both speculative applications and appeals, particularly on greenfield sites. This might also apply to inappropriate uses for urban land, such as proposals for housing development on employment land or even on green spaces.
- these measures together would be very likely to undermine the planning system's ability to fulfil its environmental role, as set out in paragraph 10 of the draft, in mitigating and adapting to climate change and moving to a low carbon economy. The dispersed development this framework is likely to promote would fail to support a low carbon economy as this form of development would greatly increase the need to travel, particularly by car.
- the potential for over simplification of national policy and removal of accompanying guidance, making it difficult and costly for local authorities to deal with technical issues such as flood risk.
- increased costs and delays and the need for further consideration as how best to proceed with plan making as set out above.

## Consultation questions

### Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

1(b) Do you have comments? (please begin with relevant paragraph number)

Norwich City Council strongly supports current national policy, as set out in PPS1, that sustainable development is the core principle underpinning planning. The NPPF should contain a clear definition of sustainable development which acknowledges environmental and social aspects in addition to economic aspects.

The council broadly agrees with the definition of how the planning system can deliver sustainable development as set out in paragraph 10 of the NPPF through its economic, environmental and social roles. However, it regards aspects of the NPPF as being likely to undermine the potential for planning to achieve the stated aims of paragraph 10. Cities such as Norwich, which have had a very strong record of promoting urban regeneration in recent decades and are ready, willing and able to accept new development to meet national housing and other demands, are likely to be sidelined by the measures set out in the draft NPPF.

The first of these is the presumption in favour of sustainable development. The requirement, as set out in paragraph 14, is that planning permission should be granted for proposals where the local plan is absent, silent, indeterminate or where relevant policies are out of date. The effect of this is very likely to be that where there is no up-to-date plan in place, development may effectively be accepted *anywhere* (other than in areas with some form of statutory protection) provided that it accords with the very broad definition of sustainable development in the NPPF. There is also (as things stand) no

commonly accepted definition of what renders a plan “out of date” and this must be clarified.

This could lead to a situation of “planning by appeal” and sporadic development in unsustainable locations for the approximately half of local authorities which do not have core strategies in place. That approach is very likely to be counterproductive, devaluing the role of the planning system without any obvious justification and it is unlikely to deliver development which is sustainable by the definition set out in paragraph 10. Recent pronouncements in the media from Government ministers are not at all reassuring on this point<sup>1</sup>.

Norwich City Council, with its partners at Broadland and South Norfolk, has a recently adopted core strategy which effectively guides development to appropriate locations and protects environmental assets. However, there is a statutory challenge to this strategy. Should this challenge succeed, the three councils would be very likely to be subjected to pressure to permit development on inappropriate sites.

There is, crucially, no presumption against *unsustainable* development anywhere in the document, and it is silent on the position to be taken where development proposals are *not* in accordance with an up-to-date development plan. It does not say categorically that such proposals should be refused. It implies that in an appeal situation where there is a difference of opinion on whether a development is acceptable or not it might be the presumption in favour of sustainable development which takes precedence (*“the default answer should be yes”*) rather than local policies and objectively assessed local needs.

Secondly, the NPPF removes the existing policy requirement for development to be focused on brownfield sites and abolishes minimum density requirements. It is accepted that there is a need to allow greenfield development as in many cases, including in the greater Norwich area, there are insufficient brownfield sites to meet housing need. Nevertheless we consider that the NPPF should contain an explicit preference for the use of brownfield sites over greenfield land and for development to make best use of land through promoting higher density, mixed use development, particularly in locations that are accessible by modes of transport other than the car.

We suggest that a reference to this should be added within core planning principles section (para 19):

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<sup>1</sup> Grant Shapps MP has asserted that the government is “*ripping up the planning system*” (BBC News 30/08/11). John Howell MP has previously stated in a June 2011 seminar to the property industry that councils that fail to plan for new development would be “*assumed to have a completely permissive planning system*” and a developer could effectively then build “*what they like, where they like and when they like*” provided the NPPF’s core principles were satisfied.

*“planning policies and decisions should make effective use of land, **(giving priority to the redevelopment of previously developed land and the reuse of existing buildings wherever reasonably practicable)**, promote mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)”.*

Failure to prioritise brownfield development would be very likely to undermine the planning system's ability to fulfil its environmental role, as set out in paragraph 10 of the draft, in mitigating and adapting to climate change and moving to a low carbon economy. The dispersed development this framework is likely to promote would fail to support a low carbon economy as this form of development would greatly increase the need to travel, particularly by car.

In addition, if there is no prioritisation of brownfield development, there is a real risk of brownfield projects currently stalled by the recession remaining undeveloped for many years.

A third key issue is that while the primacy of town centres for retail and leisure development remains, office development is not now regarded as a town centre use. As a result, in order to retain the office function of city centres, the most sustainably accessible locations for such development, there will be a need to set local policies. The presumption in favour of sustainable development requires that policies should be positive and proactive rather than unnecessarily restrictive. It might be difficult to show in all cases that a particular restrictive locational policy for offices would *significantly* undermine sustainability objectives and there is a high risk that such policies may not be found sound.

As well as these proposed changes, proposed changes to the Use Classes Order, if enacted, would enable offices, industrial buildings, storage and distribution units to be converted to housing without the need for planning permission.

Together, these measures could lead to large scale decentralisation of office development in cities such as Norwich (see responses to 5(b) and 6 (b) for further detail).

It is suggested that the present definition of town centre uses in PPS4 should be reinstated in order to give appropriate recognition of the importance of larger scale office based employment, hotels, tourist facilities, arts and culture to supporting the vitality and viability of town and city centres.

## 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.

2(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

2(b) Do you have comments? (please begin with relevant paragraph number)

Norwich City Council welcomes the emphasis throughout the draft NPPF that the planning system should be plan led and the stronger emphasis on community involvement.

There are a number of points of clarification which need to be made to the existing draft NPPF to enable a clearer view to be taken on how the proposed new system is likely affect plan-making:

1. Paragraph 21 of the draft NPPF suggests that the use of supplementary planning documents (SPDs) should be limited. SPDs can be very useful for their flexibility and ease of production. Therefore the council suggests that the NPPF should clarify the potential role of SPDs, taking a more positive stance to their use. Suggested change:

Supplementary planning documents should only be necessary where their production can help to **set out the detailed mechanisms available to implement particular policies more quickly or expedite local plan objectives for sustainable development, particularly where these mechanisms and procedures need flexibility to respond to change over the plan period. Where they involve a requirement for financial contributions from, or other obligations on, developers, these must be justified as reasonable and necessary in order to promote and achieve the policies and overall sustainable development objectives of the plan. Supplementary planning documents must not be used to impose unreasonable or unanticipated costs** on development.

2. Paragraph 26 states that up-to-date local plans are those which are consistent with the NPPF. Furthermore, it states it will be open to local authorities to seek a Certificate of Conformity showing that existing policies comply with the NPPF. In the case of Norwich this could cover both the Joint Core Strategy and saved Replacement Local Plan policies ahead of adoption of new development management policies and site allocations. Norwich City Council does not support this proposed approach as the uncertainty it will engender in relation to adopted policies prior to a certificate being obtained is likely to lead to an increase in appeals in the short term.

More recent statements from ministers suggest that local authorities will have to obtain a Certificate of Conformity for adopted policies to show they are consistent with the NPPF, though the process to obtain a certificate will be “light touch”.

Norwich City Council would therefore welcome clarification on this point and on what resources would be made available to local authorities to reduce the resulting burden, such as assistance from the Planning Inspectorate.

3. It is unclear from the draft whether policies set in the NPPF need to be explicitly stated in lower level plans. In some cases the draft appears to set out policy and in others expectations or aspirations for what local plans should contain. It is also unclear whether local development documents whose preparation is already in train must necessarily be re-badged and repackaged as new style local plans.

4. In paragraph 39, the NPPF needs to clarify what “an acceptable return” for developers might be and also how it would be objectively assessed – e.g. through District Valuation Office guidelines or some other agreed local methodology.

5. The concept of neighbourhood plans has been widely trailed but the NPPF is not clear from the text in paragraphs 49 to 51 about the precise role they would have. On the one hand the framework states that neighbourhood plans should be “in general conformity with the *strategic policies* of the local plan”. However, it also implies that neighbourhood plans might be able to override more detailed policies and would *always* have priority over local plan policies where these were in conflict.

In urban areas where only an *area-wide* strategic housing target is set (e.g. the 3000 new dwellings required from newly identified housing sites within Norwich), the position is unclear. If a key housing site critical to the achievement of a local plan strategy for an urban area fell within the boundary of an emerging neighbourhood plan, but the community did not wish to see the land developed, the supporters of the plan could argue that the site was unsuitable for housing and the

allocation ought to be made elsewhere in the authority's area. As drafted, the NPPF would automatically give priority to the conflicting neighbourhood plan and prevent the development of the site.

We therefore request that the inter-relationship between neighbourhood planning and local plan policies is further explained and clarified.

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

2(c) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraph 44.

Norwich City Council welcomes the promotion of cross boundary working. The recently adopted Joint Core Strategy for greater Norwich has been produced by Broadland, Norwich and South Norfolk districts, with the co-operation of the Broads Authority and Norfolk County Council. However, recognition should be given to the possibility that there will be disagreements on cross-border issues. To address this it might be advisable to have a specific reference to planning across boundaries as part of the "positively prepared" test of soundness.

### Decision taking

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

3(a) Do you agree

- |                |                          |
|----------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
|----------------|--------------------------|



- |                           |                                     |
|---------------------------|-------------------------------------|
| Agree                     | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Norwich already follows much of the good practice advice in relation to development management, offering both paid and free pre-application advice services, encouraging developers to undertake community engagement at pre-application stage - and requiring this for major proposals through the adopted Statement of Community Involvement.

While the level of detail of this section is considered appropriate, these comments focus on the **content** of the framework in relation to the Development Management section:

#### Paragraph 59

The removal of unnecessary and burdensome detail from validation requirements is supported. However, there is a legislative drive for most requirements and it remains important that information needed to effectively assess planning applications, such as Design and Access Statements, is submitted (see comment on paragraph 120 in section 12a)

#### Paragraphs 60 and 61

It is unlikely that planning performance agreements could be implemented in most authorities. This is the result of both challenging workloads and budget constraints. Diverting scarce resources to offer a premium service to applicants under a planning performance agreement could mean that other applicants would get a second-class service. There must be a recognition that to deliver the efficiencies envisaged, development management services must be adequately resourced.

#### Paragraph 62

The recognition of the primacy of local plans is once again welcomed.

#### Paragraph 64

Norwich City Council would be unlikely to make use of local development orders because (a) they are costly and legally complex to prepare and (b) blanket planning permission for particular uses or forms of development would not allow planning authorities to take account of the constraints of individual sites or the impacts of neighbouring uses (e.g. a late night pub or club use next to a potential residential conversion).

The council welcomes the NPPF's support for the use of article 4 directions and restrictive planning conditions to protect the amenity or wellbeing of an area. These measures can be effective in enabling implementation of particular elements of a planning strategy, such as protecting the retail function of town centres and preventing the loss of shops in district and local centres. However, the effectiveness of such

measures could be reduced by the overall emphasis of the document on removing restrictions on growth – particularly if market trends would otherwise be acting to divert investment away from town centres.

The council is concerned that there is no guidance within the NPPF related to the enforcement of planning control. Effective enforcement of planning control is crucial to ensuring that sustainable development objectives of plans can be met. Appropriate recognition of this importance should be within the NPPF.

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

4(a) Do you agree

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Guidance to support PPS requirements has proved invaluable. It has enabled planners to have access to expertise in technical fields covered by planning, such as flood risk and pollution. This has assisted in preparing an effective evidence base, in policy writing and in assessing planning applications.

To remove this guidance would not be cost effective. Given the lack of resources both in local planning authorities and in the regulatory agencies, removal of high quality guidance would either place an undue burden on planning authorities to access such expertise on a case by case basis, or would lead to less informed, and therefore poorer quality policy formulation and decision making. This would ultimately be likely to lead to environmental degradation and greater costs associated with mitigation.

It is therefore essential that detailed guidance is retained and updated as appropriate. The most important areas that technical guidance should cover include:

Flood Risk and coastal change;  
Undertaking housing assessments;

Design;  
Transport;  
Biodiversity;  
Open Space;  
Heritage;  
Town centres;  
Employment Studies;  
Water;  
Energy;  
Plan making;  
Pollution.

Government and organisations such as Sport England, the Environment Agency, the Town and Country Planning Association, the Planning Advisory Service and English Heritage, working with appropriate planning and other professionals, including consultants where necessary, are best placed to provide such guidance. Government endorsement of any guidance produced by other bodies would be necessary.

## Business and economic development

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

5(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

5(b) Do you have comments? (please begin with relevant paragraph number)

### Paragraph 75

While Norwich City Council acknowledges that there is a need for more flexibility in the use of allocated employment land as promoted in PPS4, we are concerned at the NPPF's direction in paragraph 75 that proposals for alternative uses on such land should be "*treated on their merits having regard to market signals*".

The purpose of planning is to ensure beneficial intervention in the market to promote high quality, inclusive, well-designed and sustainably located development that an unfettered market would not deliver. Given that the development market is cyclical and notoriously volatile, “market signals” cannot be relied upon to protect a reserve of employment land which is essential to long-term economic growth and stability.

The NPPF is silent on what it expects local authorities to do if “market signals” favour forms of development and uses on employment land which are unsustainable and would threaten the wellbeing of town centres, such as hotel development and places of worship.

Therefore the reference to “relative need for different land uses” should make it clear that such needs should be objectively assessed over the plan period and should not simply reflect short term commercial demand or immediate considerations of development viability or profitability.

To assist this, Norwich City Council recommends that, with the exception of small scale offices, the existing definition of town centre uses in PPS4, including offices, hotels and cultural facilities, should be retained (see also response to 6b).

In addition to this, if the proposed changes to the Use Classes Order enabling employment uses to change to residential uses without the need for planning permission, effective planning for economic growth would become very difficult.

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

We would welcome further clarity from government as to the role it feels the use of market indicators should play in planning to enable a response to this question.

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.

6(a) Do you agree?

- |                           |                          |
|---------------------------|--------------------------|
| Strongly agree            | <input type="checkbox"/> |
| Agree                     | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |

Disagree

☐

Strongly Disagree

☒

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

Paragraphs 76 to 78

This is an area of major concern for Norwich City Council.

We welcome the recognition of the primacy of town centres and the continued support for detailed planning strategies to support them. The need for effective strategic planning and provision of a supply of land and premises to support employment growth and inward investment is also self-evident and we welcome the emphasis of the NPPF on positive planning in this area.

However, Norwich City Council requests that the wording in paragraph 78 should be strengthened to ensure effective implementation. Therefore, “prefer” should be replaced by “require” in the sentence stating that LPAs should “prefer applications for retail and leisure uses to be located in town centres where practical”. A local authority “preference”, rather than an explicit planning requirement, is unlikely to secure sustainably located development<sup>2</sup>.

However, the town centre first approach for retailing and leisure is very likely to be undermined by two crucial departures from previous policy:

1) Potential alternative uses for employment land as set out in the response to 5 (b)

2) Town centres rely for their continued vitality and viability not just on offering an attractive and competitive range of retail and complementary services but also on ensuring that residents, workers and visitors will be there to use them. Therefore it is essential that the employment base supporting town centre facilities is retained and enhanced. In removing the need for all but retail and leisure development to satisfy the sequential site assessment and impact test, the NPPF is condemning town centres to an uncertain future by removing safeguards preventing the decentralisation of the workforce which helps to sustain those centres. This will impact most heavily on towns and cities with a large office-based financial and business services sector such as Norwich.

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<sup>2</sup> In addition, this sentence should refer to the location of the development proposal itself, not to the location of the planning application. Similarly, it is recommended that the wording of the sentence “*Planning policies and decisions should assess the impact of retail and leisure proposals*” in paragraph 80 should be amended to require prospective developers to assess the impact of retail and leisure proposals and to require planning decisions to take account of those impacts.

While the potential for smaller scale offices to benefit from lower rent locations in local and district centres and other locations is accepted, removing locational control on *all* B1 office development of whatever scale is disproportionate. It is very likely to result in more ad hoc development proposals for large office campuses in out-of-centre locations, increased car commuting and depletion of the employment base essential to support the viability of town centres. This would both undermine the objective of the NPPF to address climate change and make planning strategies based on attracting substantial new office floorspace to town centres, such as the recently adopted strategy for the greater Norwich area, very difficult to implement.

Adopted strategies such as the greater Norwich Joint Core Strategy have not repeated the national requirement for a town centre first approach for town centre uses, as to do so under existing requirements would have made the strategy unsound at examination. Norwich City Council therefore recommends that the sequential test requirement for office development should be retained for developments over a certain size threshold.

The removal of the sequential test requirement for other classes of development previously regarded as town centre uses – especially hotels – is also of serious concern. Visitor accommodation should be located accessibly as close as reasonably practicable to town and city centres. More dispersal of hotels will lead to unsustainable travel patterns, reduce opportunities for linked trips and increase car usage to the ultimate detriment of centres.

The abandonment of the town centres first approach is also likely to have a significant impact on cultural services which support the vitality and artistic life of centres.

Therefore, Norwich City Council has fundamental concerns over the removal of sequential test requirements on all but retail and leisure uses. Norwich has for many years been successful in promotion of its city centre as a regional centre, through effective policy to encourage substantial investment in retailing, employment, leisure, tourism, an improved public realm and public transport. The proposed changes may result in an exodus of city centre employment and essential supporting facilities which actually sustain the central shopping area and help to keep it viable. This would tend to act against and negate the benefits of any local policies to protect shopping centres through controls on usage. Norwich has direct experience of the negative effects that the closure of major offices can have. The closure of offices in Anglia Square in the 1990s led to a decline in the fortunes of this part of the

city centre that is yet to be fully rectified.

## Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

### Paragraphs 82 to 94

Norwich City Council welcomes the approach to transport planning set out in paragraph 88 which supports policies and decisions to ensure development patterns that minimise the need to travel and maximise access to sustainable transport choices. In addition, the retention of key development management tools (travel plans and transport assessments) to ensure that these issues are fully addressed in new development proposals is welcomed.

However, Norwich City Council does have concerns over the likely impact of the transport section as overall there is less of a focus on reducing the need to travel and on promoting sustainable modes of travel than in current policy. In particular there is no explicit requirement to reduce the need to travel.

This is apparent in the regular use of terms such as “where practical” in relation to measures to reduce reliance on the car in the NPPF.

In combination with measures elsewhere in the NPPF which will increase dispersed greenfield development, such as the removal of the brownfield first principle and the amendments to the town centre first principle, this is likely to promote more car based development.

Long-term sustainability is predicated on planning and locating

beneficial development to reinforce the existing accessible pattern of settlements and service centres. Some locations will remain inherently unsustainable no matter how much money is invested in infrastructure. Policy must direct development to the most sustainable locations in the first place rather permitting development in less suitable sites and then seeking a “sustainability fix” to make them more acceptable.

Norwich City Council therefore requests that the wording of paragraph 83 should be strengthened to require all development to be located and designed to facilitate the use of sustainable transport modes, rather than “*where reasonable to do so*”.

Unlike current policy in PPG13, the NPPF contains no parking standards nor any specific obligation for plans to include explicit policies of parking restraint, though this is implied by the advice to reduce journeys. All responsibility for setting local parking and other transport standards is now devolved to LPAs. Whilst we welcome the flexibility this will give, we consider that it may be more difficult for LPAs to defend more rigorous parking standards and parking restraint policies in urban areas, even when evidence shows they are necessary. There is a likelihood that less restrictive parking standards in rural areas could encourage decentralisation of town centre uses and less sustainable transport patterns.

## Communications infrastructure

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

8(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

### Paragraphs 95 to 99

Norwich City Council supports the objectives set out in paragraph 95 for planning to facilitate the expansion of and



innovation in telecoms technology to support economic growth.

However, it does not include explicit recognition of the need to protect areas of heritage significance or environmental value from the impacts of telecommunications. We therefore recommend that an additional clause is added to paragraph 96 stating that the siting and design of installations should take account of the need to protect local amenity and the natural and built environment, especially in regard to designated heritage and environmental assets.

We note that LPAs are advised in paragraph 97 to avoid allowing development which would interfere with the operation of telecommunications services. It is difficult to see how local planning authorities can be expected to include policies in local plans requiring installations to be of a particular technical specification to prevent interference with electrical equipment, air traffic or other national infrastructure. These safeguards are part of the ICNIRP compliance certification and licensing regime and not within the professional competence of planners to pass judgement on or within the remit of local policies to direct. Any policy requiring new development not to interfere with *existing* telecoms equipment would be virtually unenforceable. Such an approach implies that all telecoms operators potentially affected by new development, however minor, would have to be consulted to ensure that their interests would not be harmed. This is not a consultation requirement at present (other than in relation to air traffic control systems and airport approaches potentially affected by high buildings) and would add to the administrative burdens on LPAs. It would be more helpful for the NPPF to recognise the potential for new buildings or structures to contribute to improving telecommunications infrastructure by incorporating it in new development where practicable and necessary.

## Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraphs 100 to 106

Since Norfolk County Council is the minerals planning authority for the area, Norwich City Council has no specific comment to make in respect of these policies.

## 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.

10(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraphs 107 to 113

Norwich City Council welcomes the continued recognition and primacy of housing issues in the NPPF. Maintaining and adequate range, choice and quality of housing to meet objectively identified needs is and should continue to be a core principle of good planning. The retention of the key tools to assess and assemble evidence of need is welcome and should ensure that LPAs do not have to revisit or change their established PPS3 methodologies for calculating housing supply.

The draft NPPF places significant weight on housing market signals and market involvement to inform these studies. The volatility of the housing market and relatively short-term changes in the pattern of demand for particular types of housing might be difficult to reconcile with a local plan which must necessarily respond to housing needs and requirements over a much longer period.

The requirement to find the “extra 20%” within the housing land supply will impose additional demands on already overstretched planning departments in preparing their housing

trajectories and it is unclear whether the existence of a 5-year supply *without* the 20 percent buffer would be a valid reason for accepting housing development which would otherwise have been refused.

Norwich City Council recommends that the requirement in paragraph 110 that planning permission should be granted where a local authority cannot demonstrate a five-year supply of deliverable housing sites should be amended. This approach neither supports sustainable development nor promotes the most efficient use of land.

Policies in themselves do not determine housing supply and deliverability, market factors do. The existence of a five-year supply of deliverable sites is not based on the existence of sufficient sites with planning permission or on an up-to-date planning policy, but on the ability of the market to build dwellings out within the five year supply timescale.

Deliverability may be determined by factors unrelated to planning, such as developer finance to bring consented land forward, availability of mortgage funding to potential homebuyers and the willingness of landowners to sell at the right price. In many cases it is not planning that is restricting housing supply but the market itself.

Under the draft NPPF approach, where a deliverable five year supply cannot be demonstrated, the likelihood is that permissions will be granted on sites which are not as suitable, or as beneficial in term of urban regeneration, as the sites already identified in objectively prepared plans.

Norwich City Council welcomes the NPPF's emphasis on affordable housing delivery and its clear direction in paragraph 111 that this should be provided on-site unless an off-site contribution can be "robustly justified".

## Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

11(b) Do you have comments? (please begin with relevant paragraph number)

### Paragraph 127

Norwich City Council recommends that the schools paragraph should include an additional sentence requiring that new schools should both be in accessible locations and that the premises and their grounds should be suitable for school development.

## Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

12(b) Do you have comments? (please begin with relevant paragraph number)

### Paragraph 114

Norwich City Council supports the objective for the planning system to promote good design that ensures attractive, usable and durable places and design's key role in achieving sustainable development.

Paragraph 116

The council recommends that direct reference is made to need for the design of buildings to protect and enhance the historic environment.

Paragraph 119

Though the issue of protecting amenity is touched on elsewhere in the draft framework, it is recommended that there is direct mention of amenity either in this design section or the following section on Sustainable Communities. This should cover the need to ensure high standards of amenity and living and working conditions for the people occupying and using developments.

Paragraph 120

The council supports the use of design reviews but notes that the NPPF does not make specific reference to the use of Design and Access Statements. These have been very useful in ensuring that design considerations are fully integrated into new development proposals and can assist case officers' understanding of and assessment of submitted schemes from the outset. A well-prepared statement can help to speed up the planning process through reducing time and effort in unnecessary clarification. The council therefore recommends the retention of an explicit requirement for a Design and Access Statement in the NPPF, possibly within the development management section.

Paragraph 123

The council recommends that advertising section should not only cover amenity and public safety, but also the cumulative impact of advertisements, particularly in sensitive areas such as conservation areas.

**Green Belt**

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

13(a) Do you agree?

Strongly Agree

☐

Agree

☐

- Neither Agree or Disagree ☒
- Disagree ☐
- Strongly Disagree ☐

13(b) Do you have comments? (please begin with relevant paragraph number)

Norwich has no statutory Green Belt. While this section is not directly relevant to the city, the Joint Core Strategy makes clear that maintaining the landscaped setting of Norwich and protecting strategic gaps between key settlements is critical if growth is to be accommodated in a coordinated and responsible way. Dependent on the outcome of the legal challenge to the JCS and clarification of Certificate of Conformity issues, the implications of the NPPF could be that development pressure will increase in the areas around Norwich at the expense of development in the city, potentially weakening its landscape protection policies and undermining key objectives for urban regeneration. This would make it significantly more difficult to implement those parts of the strategy reliant on housing and economic development being progressed on sites in the city.

### **Climate change, flooding and coastal change**

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- Strongly Agree ☐
- Agree ☐
- Neither Agree or Disagree ☐
- Disagree ☒
- Strongly Disagree ☐

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

Norwich City Council welcomes the retention of strong support for renewable energy, low carbon development and the Code for Sustainable Homes.

However, the council has concerns about three elements of the framework in relation to climate change policy. Firstly, there is a lack of direct reference to the need for water efficiency policies to be covered in local plans.

Secondly flood risk guidance is over simplified in the framework (see response 14g).

Thirdly, as referred to in responses to other sections of the consultation, the overall promotion in the draft NPPF of measures which are likely to lead to more dispersed patterns of development and consequent generation of more car journeys is likely to undermine other measures to address climate change.

In relation to the latter point, our main concern is that the necessary and commendable requirement that *“planning should fully support the transition to a low carbon economy”* and secure *“radical reductions in greenhouse gas emissions, through the appropriate location and layout of new development”* will be undermined by the overall emphasis on deregulation and dispersed growth. This will *increase* unsustainable travel and greenhouse gas emissions and negate benefits from more energy efficient development. In particular the removal of the “brownfield first” principle, the abolition of minimum housing densities, dilution of the “town centres first” sequential test and the presumption that development anywhere will be approved where there is no up-to-date plan in place will most likely result in pressure for a significantly more dispersed, and therefore far less sustainable, pattern of development. There is little merit in achieving individual developments designed to the highest standards of energy efficiency and carbon compliance and then locating that development in such a way that it can only be reached by car and is remote from essential services and facilities.

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

See response to 14 (f) below.

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.

14(e) Do you agree?

|                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraph 152

The council supports the requirement that local authorities have policies to maximise renewable energy development. However, this may well be more successful if the current PPS22 requirement that local authorities should have criteria based renewable energy development policies is retained, rather than the draft NPPF approach of considering identifying specific areas for renewable energy development.

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

|                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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



#### Paragraphs 154-158

In relation to flood risk, there is very little detail on what is expected from a Flood Risk Assessment or how the sequential site assessment or the exceptions test would need to be approached. Neither is there any certainty on how “more vulnerable” or “less vulnerable” uses are to be defined (currently in PPS25 Annex D).

Local Planning Authorities will find it very difficult to effectively implement and defend flood risk policies without such commonly agreed definitions or objective technical evidence on the accepted degrees of risk from different forms of flooding. In the absence of this information at a national level the implication is that it would need to be spelt out in detail in local plan policies and Supplementary Planning Documents and supported by a local evidence base compiled with the assistance of relevant technical expertise. There is no certainty that local authorities would have the necessary technical knowledge or the resources to do this and the need to so would increase costs nationally.

As a result, this is one of the key areas in which national guidance, in this case most likely to be produced by the Environment Agency, should be retained and updated (see also response on guidance in 4 (b)).

## Natural and local Environment

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

15(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Much of the advice in this section of the NPPF, an amalgamation of policy from various PPSs and PPGs, is sound and necessary. The emphasis on protection of nationally designated landscapes and sites is unchanged and the best and most versatile agricultural land and sites of acknowledged biodiversity interest will continue to be protected and their enhancement encouraged. Appropriate safeguards are in place to protect against the impacts of noise, air and light pollution and avoid development on unstable land. We welcome the retention of these key directives.

One of the chief omissions is that there is no longer a requirement to protect the countryside for its own sake – a planning presumption in place since the 1947 Planning Act.

Whilst the NPPF enables the countryside to be protected where up-to-date planning policies are in place, countryside with non statutory designations and no designation could be at risk in the short term in those areas of the country that do not have a plan in place.

### Paragraph 167

The requirement to plan for biodiversity at a landscape scale across boundaries to create networks of biodiversity and green infrastructure is welcome. It requires proactive joint working by local planning authorities, as undertaken through the JCS.

### Paragraph 168

The draft requires local policies on priority species. Meeting international obligations requires local planning authorities to have sufficient resource to fund posts or to access information with regard to such species. Specific guidance on such issues

is best prepared by Natural England.

We do not accept the view recently expressed by the Planning Minister re paragraph 165<sup>i</sup>, claiming its advice that “*plans should allocate land with the least environmental or amenity value*” is the same as plans having to prioritise development on brownfield land. Paragraph 165 does not mean this. It is not a policy on brownfield land, but rather relates to the biodiversity and amenity value of sites in general. Some brownfield sites have high biodiversity and amenity value, conversely some greenfield sites, such as those subject to long-term intensive farming practices involving the grubbing-up of hedgerows, might have relatively low biodiversity. The NPPF’s impact assessment states categorically that the “brownfield sites first” presumption has been abandoned.

#### Paragraph 173

In relation to issues of noise pollution we recommend that the framework should make it clearer that policies and decisions should cover both noise generators and the location of noise sensitive land uses.

### **Historic Environment**

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

16(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Norwich City Council welcomes the retention of much of the content of PPS5. However, we note that there is no longer an explicit presumption in favour of the conservation and protection of heritage for its own sake. This should be included as it is unlikely that the NPPF’s presumption in favour of sustainable development will protect the historic environment on its own. In particular, “exceptional circumstances”, most likely the “viability” argument, might allow developers more scope to justify the loss of a protected asset.

The Council recommends that a more direct reference to the need for robust protection of the character of Conservation Areas is included, perhaps in paragraph 188.

Paragraph 191

The NPPF does not directly cover the issue of heritage interpretation within new development, usually delivered through a planning obligation. This can make an important contribution to raising awareness of the historic environment in an around a site and has been an important element of this Council's heritage strategy in partnership with local heritage organisations.

## Impact assessment

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:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

No comment.

## Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

It would be inconsistent to consult on a draft PPS for travellers if the policy in the NPPF is to be amended significantly to streamline it along with the rest of the framework. A streamlined policy would therefore not have been subject to consultation.

## Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

No comment

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

There would be costs for local authorities were there to be removal of technical guidance, such as guidance on flood risk policy.

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

No comment

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

No comment

QA5: What behavioural impact do you expect on the number of applications and appeals?

In the short term, prior to adoption of emerging strategies and the clarification of the status of recently adopted through Certificates of Conformity, there is likely to be a period of uncertainty. This could continue into the longer term should plans not be successful in obtaining a Certificate of Conformity or should the local authorities resist any requirements to amend adopted plans as a result of the process. This uncertainty would be exacerbated by the fact that the adopted development plans, irrespective of whether they have a certificate, would remain in place without new primary legislation or a ministerial direction under current legislation to amend and adopted plan.

The uncertainty is very likely to lead to a significant increase in both speculative applications and appeals, particularly on more greenfield sites. This might also apply to inappropriate uses for urban land, such as proposals for housing development on employment land or even green spaces.

QA6: What do you think the impact will be on the above costs to applicants?

If there are large numbers of legal cases associated with the period of uncertainty referred to above, costs will rise for all parties associated with the development industry, including developers.

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

Consolidation of national policy is supported, though it is

important that policy is not over simplified, and guidance is retained and updated to enable effective implementation.

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications;
- (ii) the approval rate; and
- (iii) the speed of decision-making?

See response to QA5.

QB1.2: What impact, if any, do you think the presumption will have on:  
(i) the overall costs of plan production incurred by local planning authorities?  
(ii) engagement by business?  
(iii) the number and type of neighbourhood plans produced?

i) Costs of plan making during the transition phase could increase. This is due to the need for emerging plans to comply with the NPPF, therefore potentially necessitating further consultation. In addition, the likely need for a Certificate of Conformity for existing plans would lead to increased costs.

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

This will be very much dependent on how the presumption is interpreted by inspectors at appeal and, in the case of authorities with adopted strategies, on how the need to have "Certificates of Conformity" is interpreted.

Given the view expressed by ministers in recent months<sup>3</sup> it is very likely to shift the emphasis onto economic rather than social and environmental outcomes by promoting a more dispersed pattern of development. As well as having damaging environmental and social consequences, in the longer term, the economic benefits of promoting dispersed development are questionable. The increased journey times and congestion associated with the need to use cars to access dispersed settlements are very likely to have a negative economic impact, as well as undermining the significant social and environmental improvements that have been made in recent years, including reduced carbon emissions, resulting from the focus on urban regeneration.

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

The presumption is likely to dramatically increase the number of appeals, in particular in the short term, particularly in relation to those districts without an adopted core strategy.

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

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No comment

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

No comment

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

This is difficult to quantify, but the costs are not likely to be very high in Norwich. This is because the long standing approach to limiting parking provision on new development to promote sustainable modes of transport is continued through the recently adopted strategy and its emerging development management policies.

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

In order to promote public transport use within the city, the current standards, lower than national standards but appropriate in a wholly urban district, are retained in emerging policy.

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

No comment

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

This is an issue of major concern for Norwich City Council. The adopted Joint Core Strategy sets a brownfield target of 25% for the two rural districts of Broadland and South Norfolk and the urban district of Norwich. However, this strategy is subject to legal challenge. Were this challenge to be successful, there is a very real possibility that the lack of direction on brownfield development in the NPPF would promote a significant increase in greenfield development and undermine the strategy locally to promote urban regeneration

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

Our understanding of the requirement relating to 5 year land supply, also as expressed by the CLG at a workshop in London, is that the NPPF does not set out a requirement to identify 20% extra land. Instead, the requirement is a frontloading mechanism, to support acceleration of the delivery of 20% extra housing within the first five years of a plan, though clearly there may be a knock on effect requiring the allocation of additional housing land to meet long term housing needs.

This issue aside, the 5 year land supply is in itself not an effective measure to promote housing development, particularly in a recession. This is because it is in the interest of developers

to argue that their sites will not be delivered in the next 5 years, as the absence of a 5 year land supply will increase the likelihood of less sustainable sites being granted planning permission on appeal. As mentioned elsewhere, having more sites with planning permission will not in itself address the financial issues that are the main cause of housing sites not being developed.

The requirement to identify a five year housing supply is a therefore significant burden for local authorities, without being effective in accelerating the delivery of housing.

Although it is clear that evidence of need through housing land availability and housing market assessments must be kept under regular review, resource constraints on local authorities may make it more difficult to commission and fund wide-ranging studies to ensure a robust evidence base on housing need and housing supply can be maintained.

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

No, the affordable housing requirement has been tested at examination and is set out in the recently adopted Joint Core Strategy.

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

Not applicable

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

See response to 3.6 below.

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

The costs of undertaking such an assessment are likely to depend on the nature of the facility and on whether data is available from organisations such as Sport England. However, given the priority attached to the retention of community facilities in national and local policy, including the government's promotion of localism, it is very important that such studies are undertaken when needed.

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

No comment.

QB4.1: What are the resource implications of the new approach to green infrastructure?

There are significant resource implications associated with having an effective evidence base on which to base green infrastructure policies and funding staff and projects to ensure implementation. Since protection and enhancement of green infrastructure is a priority within the area, any funds that could be made available would be welcomed.

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

This will be dependent on whether neighbourhood groups choose to take advantage of the new designation. Green spaces in Norwich are currently protected from development under policies reflecting the requirements of PPG17. Emerging DM policies continue such an approach. Therefore it is not envisaged that there would be a real need for the new designation to be used locally, though if local communities felt it

would be helpful for them, the council would assist them.

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

No comment

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

Local policy for decentralised energy is set out in the recently adopted Joint Core Strategy and it is not proposed that this should be amended.

QB4.5 Will your approach to renewable energy change as a result of this policy?

Local policy for renewable energy is set out in the recently adopted Joint Core Strategy and it is not proposed that this should be amended.

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?

No comment.

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