CIH Response to:

Communities and Local Government Committee: Select Committee Inquiry and Call for Evidence: National Planning Policy Framework

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‘Shaping Housing and Community Agendas’
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1. Introduction

Introduction

1.1 CIH welcomes the opportunity to respond to the Department for Communities and Local Government Select Committee inquiry into the “national planning policy framework” (NPPF).

1.2 CIH is the professional body for people involved in housing and communities, with over 22,000 members across the UK and Asian Pacific. We are a registered charity and not-for-profit organisation. Our mission is to maximise the contribution that our members make to the well being of communities. Our vision is to be the first point of contact for – and the credible voice of – anyone involved or interested in housing.

General comments

1.3 The Select Committee has been invited by the Minister for Planning and decentralisation to examine the draft National Planning Policy Framework, which was published on 25th July 2011.

1.4 As the professional body for housing, we have a wealth of information and expertise at our disposal and access to members working to deliver housing opportunities across the UK. The national planning policy framework and elements within the localism bill give an opportunity for CIH to draw on our professional experience of working with housing providers, local authorities and communities in the formulation of our comments on the framework and indeed this submission.

1.5 We are working with members in the construct of our overall consultation submission to CLG and would of course be very pleased to make our expertise available to you if that would help with your current or future work on this topic.

1.6 Given the current media coverage and strength of public opinion regarding the planning reforms, we would like to take this opportunity to outline a couple of points we would like government to take note of.

1.7 We welcome the government’s recognition of the chronic lack of supply of housing and this should be noted. We believe the tone of the current debate is however, unhelpful and littered with inaccuracies and has failed to take into account the needs of the thousands of people in England who are poorly housed.

1.8 The recession, lack of access to finance for developers and lack of access to credit for house buyers has created both an affordability issue as well as a supply issue. The NPPF and current debate is misleading however, to expect house building or investment more generally to come because of streamlining planning policy; house building and business investment in development requires financing. An inadequate housing supply is not simply the work of the
planning system; adequate investment models are currently lacking and seem to be the elephant in the room.

1.9 The NPPF represents a shakeup in planning policy, which will affect both local authorities and business organisations in terms of skills, knowledge and processes of the planning system.

1.10 It also represents a shakeup of community involvement in planning from its current – emphasis on post planning involvement (once planning permission has been sought) - to increased involvement during the overall local planning-making phase. This is articulated as being to increase communities control and power in decision-making affecting their local areas; in line with localism and the big society.

1.11 Consequently, the NPPF presents perhaps the biggest impact on communities for whom positive community action is being front loaded. Communities will be expected to get involved in the identification of sites for development and in the preparation of neighbourhood plans, so that by being involved from the beginning, this should lead to a reduction in complaints and issues later on in the process.

1.12 We welcome the strengthening of local accountability and decision making, the democratisation and support for local communities to lead on decisions affecting their areas that the planning framework will engender. However, there are risks that communities may not want to be as heavily involved as is envisaged; that the cost implications are prohibitive or that only existing groups are involved rather than all citizens. Government must recognise this needs resourcing, capacity building and financial input to be effective.

1.13 The scale of reform here is a bold move and one in which CIH endorses; there is a challenge for local leaders to step up and act decisively for their areas, and for local authorities to have the resources, time and skills necessary to make the system work. There is a vast amount of skills and knowledge within local authorities on current planning policy and community engagement techniques and this should be of great value as we implement a new framework for planning in England.

1.14 However, the role and scope of local authorities needs to be fully articulated and consistent messaging in relation to their strategic leadership role in relation to planning and housing in particular, is needed.

1.15 Collaborative working with local communities and businesses will be vital to ensure the retention of existing locally protected areas and sites communities enjoy, as well as the identification of areas of land which are available and suitable for development. The importance of local knowledge in this cannot be underestimated.

1.16 We have concerns around the detail of the framework and the tensions between local communities and the presumption in favour of sustainable
development. This does not need to be a debate about taking power from local authorities. This is about local authorities providing the expertise and working with local people to get the planning system moving.

1.17 As the professional body for housing and partner with the RTPI, we will be working with government to move beyond the existing debates and to lead the debate in the future.

2. **Key issues for the Select Committee Inquiry to consider**

There are particular issues created by the national planning policy framework to which the select committee has requested feedback. Our submission concentrates on the six key questions of importance to the inquiry, which are set out below.

2.1 **Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?**

2.1.2 The NPPF gives guidance to investors and businesses to engage earlier on in the development of local plans and neighbourhood plans, in the areas they are based in currently and therefore in areas where development would be a business opportunity in the future. This is required to ensure development meets their needs around supporting economic growth and inward investment. There is a risk therefore that one reading of the NPPF could place increased emphasis on the impact of business investment on planning which could be perceived to be of a higher note-worthiness than that of communities; despite localism and community control.

2.1.3 If the aim of the NPPF is to give communities more control and power, then being clear about how the planning system works is vital. Whist the draft NPPF document does articulate a simplified planning system is in the best interests of all concerned, it does not specify explicitly what elements of the current existing system will remain in force (this is articulated slightly better in the impact assessment) and at what point the draft NPPF becomes an adopted policy. The NPPF should set out the full complexity of how the system works, what the associated documents are (guidance notes, good practice guides, supporting statements and so on) and how they interrelate. The NPPF does not do this sufficiently to enable a community group to understand adequately the full complexity of the planning arena.

2.1.4 It is clear that the NPPF will require swift action by local authorities to produce timely up to date plans, however, plan revision, complete with full community consultation and engagement as is envisaged in the NPPF, will not be a swift process. Certainly, many local plans are unlikely to be robust enough for defence when the NPPF is adopted; many core strategies are not in place and it will be a challenge for local authorities to be adequately resourced at
this time in order to prevent planning by appeal. Therefore, we urge government to initiate a time period before which plans must be prepared to allow for effective and meaningful consultation and plan preparation and to lessen the perceived resource deficit.

2.1.5 The draft national planning policy framework seeks to give communities power over planning decisions in line with the localism agenda and democratisation of processes. However, this will only work if communities are on board right from the beginning in a positive proactive way. Current media debate risks alienating communities before the framework is even in place.

2.1.6 The challenge will be for local authorities and councillors, to step up and engage with communities in the preparation of their plans. This will have heavy resource implications and will require local authority planning officers to work with housing officers and community development workers to access community groups and neighbourhood organisations in order to engage with different sections of the local community in a timely and transparent fashion.

2.1.7 The NPPF does not set out a definition of neighbourhood, community or local; all of which are locally relevant, subjectively defined and differentiated. The NPPF places an emphasis on involving communities in the identification of acceptable development sites however, whether it gives communities sufficient power ‘over’ planning decisions – perhaps to block decisions, remains unclear.

2.1.8 The impact assessment to the NPPF suggests the cost of each neighbourhood plan is estimated in the region of £17-63,000\(^1\) per plan. Whilst government funding is available for an initial piloting of neighbourhood plans, it is entirely unfeasible and unreasonable to expect local communities and neighbourhood groups - the majority of which will be charities or unregistered groups run entirely by volunteers - to be able to gather the required resources to resource and prepare a neighbourhood plan. How future neighbourhood plans are to be resourced and whether that process will be lead by community groups or local authorities, is unclear and needs to be examined in more detail.

2.1.9 The impact assessment then goes further and reviews the costs and benefits of the development of neighbourhood plans. It identifies that community groups\(^2\) will bear the costs of these, estimated at between £7 and 26 million per annum. Local authorities and businesses in contrast will make savings as a result of no longer processing or completing planning applications and from a reduction in the number of appeals (estimated at £63 million altogether). This is in addition to potential benefits to the economy of between £56 and 113 million per annum. This is likely to lead to a tension between all users of the planning system and puts a disproportionate emphasis on community groups to finance, prepare and update neighbourhood plans.

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\(^1\) Draft national planning policy framework: impact assessment July 2011, p29
\(^2\) Draft national planning policy framework: impact assessment July 2011, p31
2.2 Is the definition of “sustainable development” contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

2.2.1 The NPPF refers to the traditional Brundtland Commission’s\(^3\) 1987 definition of sustainable development which is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” and in doing so recognises that the three pillars of development (economic, environmental and societal) are interconnected. This definition has been in existence for over twenty years and is widely used, accepted and supported.

2.2.3 However, in using only the Brundtland definition, the NPPF fails to recognise more contemporary government definitions or uses of the term sustainable development. DEFRA is responsible for government thinking on sustainable development and in particular for two documents: DEFRA’s 2005, “UK Sustainable Development Strategy, Securing Our Future”\(^4\) and the Coalition Government’s 2011 publication, “Mainstreaming Sustainable Development”\(^5\), yet the NPPF does not mention these causing confusion around the definition and of government’s intentions.

2.2.4 This government has placed a great emphasis on economic development and growth in order to build a strong economy, due to the impact of the worldwide recession. Consequently, the definition of sustainable development and the emphasis through the document, appears to heighten the economic aims of development rather than social or environmental; yet development should protect and enhance environmental resources and respect the needs of society. Quality of life is an important aspect of this and government has also committed to measuring societal well-being yet the NPPF does not mention this either.

2.2.5 We are supportive of utilising a definition of sustainable development but urge the government to work with DEFRA to link the more contemporary definitions together in the NPPF. This would allow a more cross government approach to be realised.

2.2.6 CIH welcomes government’s intentions to decentralise power and for both local authorities and communities to have a greater say in the decision-making processes for their areas, although we note, this will require greater accountability and transparency in decision making especially surrounding locally defined policies.

2.2.7 A less detailed and prescriptive approach to national policy, leads to greater variations across the country and increasing uncertainty for communities. Local interpretations of national policy will require local authorities to articulate how the presumption in favour of sustainable development will be applied

\(^3\) The Report of the Brundtland Commission, Our Common Future, 1987


locally; what one area considers sustainable others may not which could lead to a dual system.

2.2.8 The presumption in favour of sustainable development brings a new emphasis on sustainable economic development, “giving this priority\(^6\) where it is appropriate to do so”; yet appropriate is not defined. Here, we argue the balance needs to shift to societal sustainable development, so that development does not seek to override community needs.

2.2.9 The NPPF should be clear that the presumption in favour of sustainable development is referring to the preparation of local plans at the local authority level (in the identification of land and sites), rather than at each individual planning application. The interpretation of the presumption in favour of sustainable development is subject to current debate but it is not helping the overall tone of the debate and shows how easily information is misinterpreted.

2.2.10 Both sustainable development and the presumption in favour of it, requires strong, robust local leadership to ensure local plans are up to date when the NPPF is adopted. Without this leadership role and adequate plans, the NPPF risks alienating communities when development is passed due to the inadequacies or absence of local plans.

2.3 Are the “core planning principles” clearly and appropriately expressed?

2.3.1 Broadly, the core planning principles are adequately expressed, although we would welcome further articulation on the need for strategic housing markets to be up to date and robust. The use of the word “should” throughout the principles however, appears weak, as it is open to interpretation. For the NPPF to be plan led and up to date we would seek to remind government of the need for adequate resourcing.

2.4 Is the relationship between the NPPF and other national statements of planning related policy sufficiently clear? Does the NPPF serve to integrate national planning policy across Government Departments?

2.4.1 The NPPF has broadly consolidated 40 documents with over 1000 pages into little more than 50 pages, and this streamlining is welcomed where duplication and unnecessary jargon has been stripped down. However, an additional 160 supporting documents comprising 6000 pages will remain when the NPPF is adopted and will be subject to further review in the future\(^7\). Hence, the relationship between the NPPF and other national statements of planning policy are not expressly clear.

2.4.2 As stated previously, being clear about how the planning system works is vital for the lay reader – especially if it is assumed the community or

\(^7\) Draft national planning policy framework: impact assessment July 2011, p9
neighbourhood group will have no prior planning or legal knowledge. The NPPF should set out the full complexity of how the system works, and what any associated documents are and how they interrelate. This should be inside the main NPPF not within a separate supporting document in order to allow citizens to understand the complexity of the planning system without needing to resort to legal advice.

2.4.3 Whilst the NPPF seeks to integrate national planning policy across government departments by holding in one place the relevant information pertinent to the NPPF and a plan led system, it does not do so in an obvious manner and more detail is required on how this would work in practice.

2.4.4 The NPPF suggests other recent or open consultations, relevant to the national planning framework, such as the recent Gypsy Traveller planning consultation, will be amalgamated into the overall framework in due course. However, this shows a lack of joined up thinking regarding the consultations, as it is currently difficult to see how and where adequate points will be made in the NPPF to cover Gypsy Traveller planning issues. As such, the NPPF remains confusing in this respect to non-planners.

2.5 Does the NPPF, together with the “duty to cooperate” provide a sufficient basis for larger than local strategic planning?

2.5.1 CIH strongly believes that robust strategic planning above the local level is essential for strong and well functioning places⁸. The abolition of regional spatial strategies and the loss of a regional focus on planning means local authorities will need to look to their neighbours as critical friends for support and cooperation especially on development plans which are of wider than local interest. Local authorities will need to look wider than local in the safeguarding of necessary but unpopular developments such as prisons, hostels or other sites for vulnerable groups.

2.5.2 Cross boundary larger than local planning issues will require local authorities to be really proactive and work in partnership strategically with neighbouring authorities though the duty to cooperate. However, the duty to cooperate is one of cooperation and constructive engagement. It is by itself, vague and may not provide enough teeth to enable strategic planning across local authority boundaries. This is despite the “teeth” that will be possible where local authorities will be required to demonstrate evidence of their “cooperation to plan for issues with cross boundary impacts”, when their local plans are submitted for examination by the independent inspector.

2.5.3 The duty to cooperate could be more explicitly set out within the NPPF in order that a parochial approach to housing opportunities and development more generally, does not occur.

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⁸ See CIH evidence to the CLG Select Committee on the abolition of regional spatial strategies, September 2010
2.6 Are the policies contained in the NPPF sufficiently evidence based?

2.6.1 The NPPF requires local plans to be adequate and up to date with evidence that the assessment of housing, employment and development needs are robust and include the demographics and characteristics of an area.

2.6.2 The lack of certainty in the planning sector due to the abolition of regional spatial strategies and the economic uncertainty in the country has led to a “a vacuum”. It is imperative that the risk of further uncertainty is mitigated; a period prior to NPPFs adoption during which local plans may be developed would be wise.

3 Conclusions

3.1.1 In this submission to the select committee, we have commented on the six specific questions asked in this inquiry and set out some of our general concerns relating to the national planning policy framework and current media debate. We would of course be very pleased to make our expertise available to you if that would help with your current or future work on this topic.

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9 CLG, 2010, Select Committee Inquiry into Regional Spatial Strategies