

PLANNING FOR THE FUTURE

An analysis of West Midlands Local Planning Authority responses to the Government consultation on a Draft National Planning Policy Framework

West Midlands CPRE

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1. Introduction

There are thirty local planning authorities in the West Midlands; all but three responded to the Government consultation on the draft National Planning Policy Framework. Wyre Forest District Council did not do so because, it tells us, it was short staffed. Dudley and Sandwell Metropolitan Borough Councils aligned themselves with five other LPAs: Birmingham, Coventry, Solihull, Walsall and Wolverhampton, as part of the West Midlands Transportation and Planning Committee, which submitted a group response, though these five other LPAs also responded individually.

We contacted all the local authorities and only Tamworth Borough Council did not forward us their response. So this report is based on an analysis of twenty-seven responses.

The Department for Communities and Local Government invited LPAs to respond by filling out a questionnaire. Those who did added comments of their own. Nine responded without using the questionnaire.

The questionnaire contained seventy-two questions in two sections. The first section comprised forty-three questions, twenty of which were multiple choice. The respondents might Strongly Disagree, Disagree, Neither Agree nor Disagree, Agree or Strongly Agree.

Each multiple choice question was followed by another that either invited the respondent to add comments or referred to the same subject. There were eleven other questions in the first half without multiple choice options. The second section comprised twenty-nine questions on the subject of impact assessment. Several respondents completed the first half of the questionnaire but not the second, or only answered some of the questions.

Nine LPAs did not fill in the questionnaire, but made individual replies. Eighteen LPAs filled in the questionnaire and despatched it either with or without a covering letter.

Some responses were signed by planning officers, others by elected councillors. It appears that the responses, including the answers to the questionnaire, were shown to elected councillors and some were put before cabinets, but how and to what extent councillors as well as planning officers were involved is hard to quantify.

The general tone of the responses may be gauged by citing the total scores in the multiple choice questions: Agree: 89, Disagree: 140, Strongly Agree: 2, Strongly Disagree: 25, Neither Agree nor Disagree: 84.

Local Authorities do not reject the Draft NPPF out of hand and when they feel they can support policies they do. Yet most of the replies demonstrate that planners and elected councillors are extremely uneasy at what is proposed.

This report seeks to bring together common threads by citing the words of the local planning authorities.

This report is split into three sections, General Comments, Specific Policy Areas and Issues around the role of Local Authorities. Inevitably it cannot be comprehensive but we hope we have given a fair reflection of the breadth of LPA opinions.

Many of the responses reflect concerns raised by CPRE in its own response to the consultation. Details of that and other NPPF reports from CPRE are listed at the back of this report.

2. General Comments

2.1 Overarching Responses

Over half the respondents made general comments. We have taken a few from answers to the questionnaire, but most of them come from letters enclosed with the questionnaire or letters sent on their own.

Two themes emerge in most of them. A reduction in the amount of government guidance is welcomed but this reduction has gone too far and led to the loss of valuable policies and a lack of precision which puts the planning system at risk. Lack of clarity is continually mentioned, not only in these general comments, but often in the answers given to the questionnaire.

Birmingham: 'The City Council welcomes and endorses the principle of simplifying the current range of national planning policy guidance into a single document. However the removal of existing national planning guidance and their replacement in some cases appears to put at risk some well-established and highly valued aspects of the current planning system....The Council has genuine concerns that some of the NPPF policies will serve to undermine current protection of greenbelt, the natural environment, open space and employment land. It is also felt that some policies are contrary to the Birmingham City Council's economic and development growth aspirations.'

Bromsgrove: 'Bromsgrove District Council supports the government's intention to maintain the plan led system, although the Council has some specific concerns over some of the changes which it fears could lead to unplanned and unsustainable development taking place... The wholesale removal of the current planning policy statements and guidance to be replaced with the NPPF will affect the ability of LPAs to prepare succinct local plans, which as required by the NPPF also provide a practical framework for decisions to be made, with a high degree of certainty and efficiency. Whilst rationalisation of the current guidance is welcomed, authorities have been working on plans which do not repeat national guidance, therefore with much of this guidance about to be deleted there will inevitably be policy gaps that need filling.'

East Staffordshire: 'ESBC recognises the desire to streamline and simplify the planning system, and as an authority welcomes and supports those overall objectives... Specifically, we welcome the retention of an evidence-based, plan-led system... However, there are a number of issues or proposals in the Draft about which the Council is keen to see further refinement and attention by CLG, or where we see contradictions within the Draft which could frustrate delivery of its intended outcomes.'

Lichfield: 'Whilst the District Council is generally supportive of the approach to consolidate and simplify government planning policy guidance, it is disappointed in the draft document that has been produced. The Council believes that the draft NPPF introduces new areas of policy which challenge longstanding and approved of guidance. The document also includes a number of statements that could lead to wider interpretation/misinterpretation especially in relation to making planning decisions including on appeal... Whilst the Council agrees with the principle behind reducing the amount of national policy guidance, from a decision-making perspective, what the current documents do is help in the balancing of a decision. The proposed NPPF would make this much more difficult; not helped by the lack of definition on sustainable development....'

Malvern Hills: 'The Government's wish to reduce the volume of planning guidance into a manageable form is welcomed and supported. However, in many areas the draft NPPF simply delivers key messages and it is unlikely that implementation of the NPPF will go forward without supplementary guidance being issued. If this is to be the case the Government is encouraged, in the strongest terms, to identify a programme for the issuing of supplementary planning guidance, prioritising guidance associated with plan making, so that those authorities engaged in plan making can receive necessary support and plan their work programmes accordingly.'

Newcastle under Lyme: 'While we can agree that there are indeed many guidance notes we find it hard to agree that the removal of the detail within them into one very slimmed down document aids or speeds up the planning process. In our view it will provide less certainty to the development industry and potentially opens up more planning decisions to legal challenge.'

North Warwickshire: 'Although there are sections of the Draft NPPF that can be supported by the Borough Council, there is cross-party unease at some of the changes and, in particular, over the presumption in favour of sustainable development. As North Warwickshire is a predominantly rural area, Members are extremely concerned that the presumption in favour of sustainable development will lead to an increase in speculative planning applications in areas where, locally, development is unacceptable... The economic priority that Government is placing in the planning system should not be at the expense of the rural character of the Borough. You may say this is because the Borough does not want to see development. This is not the case...The purpose of the planning system is to resolve the tension between growth and other goals. The changes being proposed will seriously undermine the role of local Councillors to try to resolve that tension... Economic growth at all costs cannot be the way forward...'

Nuneaton and Bedworth: 'Government aspirations regarding the consolidation and streamlining of national policy and expressing it in plain English are welcomed and supported. However, the NPPF as drafted raises a number of concerns as outlined in the proposed response...' The concerns include the definition of sustainable development and several others that are dealt with in this report, also the following: 'The reduction in national policy and accompanying expectation that there should be a more local approach to policy development will increase the financial burden on the Local Authorities... there are inconsistencies and in some cases contradictions in the policy wording of the NPPF and in the extent to which it reflects the concept of localism. This is illustrated for example in the removal of the ability of Authorities to protect land for employment purposes. Given that local planning policy and decisions must be in line with the framework it represents guided localism rather than a genuine attempt to enable communities to shape their own spatial futures.'

Rugby: 'The Borough Council welcomes the production of concise planning guidance at the national level, however, stresses that although concise it must be also be clear in its instruction to local planning authorities, stakeholders and members of the public.'

Solihull: 'The streamlining of national planning policy should be welcomed generally as reducing complexity, should benefit planners and the public alike and leave more room for local discretion. However, there is a danger that differences in interpretation of the more concise policy will lead to more appeals and legal challenges.'

Stafford: 'Stafford Borough Council welcomes and supports the new national planning policy approach and key principles, including the delivery of sustainable development.' Then its covering letter raises three matters of concern: that sustainable development is weighted in favour of economic growth, that the viability of future development is too weighted to the developer's perspective and that there are no clear transitional

arrangements to allow time for the new Local Plan to be adopted before the NPPF becomes law.'

Stratford: 'Whilst it is welcomed that the new document is clearly written and is easy to understand, the document lacks the level of detail contained within the Planning Policy Statements. This detail brings benefits, for example in controlling development and in ensuring growth is directed to the most suitable places. The District Council is concerned that saved local plan policies or LDF policies alongside the NPPF will not be substantial enough. Therefore, it is recommended by the District Council that the NPPF is underpinned by a companion guide so that this helpful detail is not lost.'

Telford and Wrekin: 'The Council supports the intention that the NPPF be briefer than the extensive national policy statements and guidance currently in place, but wishes to emphasise that well established and widely supported key planning principles and policy guidance must not be lost.'

Walsall: 'It is (also) true to say that the national planning policy guidance component has become too large and unwieldy, and there is a need to consolidate it and eliminate any inconsistencies. But... clear planning rules, and the protection they offer, is essential to provide certainty. Certainty is necessary to stimulate investment, and thus growth. Good planning guidance should therefore offer clear, precise and concise advice to local authorities, applicants and other interests... With this in mind, I, (Councillor Mike Bird, Leader of the Council), have read and considered the draft NPPF. I, and the Council, consider that it fails in this regard. It proposes the abolition of perfectly sensible and clear guidance and its replacement with ambiguity and a contradictory approach that is not in the interests of speedy decision making or of clarity and certainty... Our view is that the NPPF risks coming to be seen as mere rhetoric, especially in regard to the apparent promotion of 'sustainable development' rather than practical, clear and precise guidance that genuinely helps planning authorities, local business and communities and applicants for planning permission.'

West Midlands Joint Authorities: 'The draft NPPF makes a bold attempt to simplify the planning system. There is no doubt that 1100 pages of guidance is excessive, has led to duplication and is only navigable by specialists, thus making it distant from the communities that it means to serve. Reducing this to 58 pages, however, is too draconian. Succinct policy is open to interpretation leading to the very uncertainty that Government seeks to remove.'

Wolverhampton: 'The draft NPPF is a bold attempt to simplify the planning system in England, and the desire to produce a streamlined and concise document is welcomed. It maintains the primacy of Local Plans and neighbourhood plans as the basis for planning decisions and carries forward long standing established principles such as the need to address environmental harm, the sequential approach and the promotion of mixed development. However, the brevity of the document has resulted in ambiguity which could hinder, rather than assist consistency in decision making. Succinct policy leads to differences in interpretation and there is a danger that 'planning by appeal' will become more commonplace.'

Worcester: 'Worcester City Council acknowledges that there is an opportunity to bring together and make consistent national planning policy. However, it will be important not to confuse the need for brevity and simplicity for clarity. There needs to be as much certainty as possible in the planning process to give confidence to investors and to ensure good decision-making. Simply removing policy will not necessarily achieve this.... Consequently Government should acknowledge that an area of activity like planning that has a fundamental impact upon everybody's lives now and in the future will need more than 50 pages of policy to articulate the expectation for future activity....Therefore the

City Council requests that Government reviews the scope, detail and precision of the contents of the NPPF'

Wychavon: 'The overall NPPF is 'bitty'. It does not give a clear consistent message. Elements of text from various existing documents (PPSs, Circulars, etc.) have been inserted apparently randomly. It fails in providing an overall coherent national policy framework and clarity for developers and the public. We are concerned that this lack of clarity and precision in wording could lead to a significant amount of future litigation and a number of expensive and time consuming judicial reviews. Is there sufficient policy guidance? In condensing over 7,000 (sic) pages of policy statements and supporting information to little over 50 pages, much has been lost. The concern is whether there is sufficient national policy guidance to support LPA's in defending important planning decisions through the appeal process or High Court challenges...'

2.2 Issues of Detail, Clarity, Ambiguity, Contradictions, Policy Gaps

In answers to the questionnaire many LPA's express concern about the lack of clarity - the words 'clarity', 'clarify' and 'clarification' occur over and over again with reference to muddled definitions, contradictions and policy gaps.

Bromsgrove: 'Throughout the NPPF the terms 'needs' and 'demands' are used interchangeably when referring to development requirements with no one single approach seemingly preferred. The final version of the NPPF needs to clarify exactly what local planning authorities are expected to plan for, is it development for local needs or demands, as these can be very different depending on the nature of the area you are planning for... Without further clarification, determining whether a plan is absent, silent, indeterminate or out of date on issues will create uncertainty, inconsistency and confusion within planning decision making as these terms are loosely defined and very open to interpretation.'

Coventry: 'The policy on planning and design is appropriate and useful... The section is inconsistent, for instance paragraphs 118 and 121. Given the degree of subjectivity in architectural tastes, there are many schemes that may be considered to be poor architecture by some but acceptable by others... It is not clear from paragraph 116 whether the planning system is going to have more control over the internal layout and size of buildings... It is not clear whether paragraph 120 is referring to some form of design review panel. If so, who would sit on it?'

Stoke-on-Trent: 'It is considered that the framework provided contains inconsistencies and contradictions. We would, therefore, welcome guidance on how to interpret the policy contained within the framework and detailed guidance on certain subjects to avoid uncertainty in plan making and development management decisions.'

Fifteen LPA's are concerned about the conflict between local plans and neighbourhood plans. We cite just two of them:

Birmingham: 'The existing draft NPPF suggests that neighbourhood plans would take precedence over existing plans where there is a conflict... The City Council would like to state very clearly that the NPPF should include a clear statement that Neighbourhood Plans should be consistent with Local Plans/Core Strategies.'

Newcastle: 'Para 50 clearly states, that 'the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans, therefore, must be in general conformity with the strategic policies of the Local Plan...' This is sensible but more clarity is required in relation to why 'Neighbourhoods will have the power to promote more development than is set out in the strategic policies of

the Local Plan.’ Indeed, clarity on why, given the above Para 51, (it) suggests that Neighbourhood plans might be in ‘conflict’ with the adopted local plan and why in such circumstances the Neighbourhood Plan would take precedence given that the Local Plan will have been developed in line with Paras. 20-48 and tested through a public examination for its soundness. This seems ridiculous and makes a mockery of the proposed plan making process. It sends the message that a very small minority can dictate the future of your neighbourhood regardless of whether this is the best and most sound approach.’

Another issue is whether the Local Plan comprises one document or several in the light of the discouraging remarks in Paragraph 21 of the NPPF on Supplementary Planning Documents, which is taken up by ten LPAs. Some are uncertain as to what is proposed: others argue that the SPDs should remain. Here are five of them:

Birmingham: ‘The City Council strongly recommends revisions to paragraph 21 recognising the value of SPDs as a means of elaborating strategic policies/proposals contained in Core Strategies/local plans.’

Bromsgrove: ‘SPDs are useful planning tools which can help respond to particular local issues... with this in mind SPDs should be encouraged rather than discouraged..’

Malvern Hills: ‘Many LPAs rely on SPDs to bring forward development proposals and to ensure that they are well planned... We consider that they will continue to be a valuable tool in delivering local planning and the increased focus on Localism.’

North Warwickshire: ‘The Draft NPPF needs to be made clearer. If the intention is not to have any documents accompanying the NPPF to explain what is meant by its terminology, then the wording needs to be made clear. The use of words such as ‘where practical’ and ‘when reasonable’ needs to be removed and replaced by clear criteria or timelines. If this is not done the document will constantly held up to legal challenge. It will then be the courts that will decide the interpretation of the NPPF and not the Government or the local area. This in turn will lead to more delays not fewer.’

Walsall: ‘Whilst many planning authorities would welcome the proposal to return to a single area-wide ‘local plan’ as appears to be suggested in paragraph 21 of the draft NPPF, this is not a realistic option for those who have already invested significant resources in the preparation of Core Strategies, Site Allocations DPDs and Area Action Plans - at least not in the short-term.’

Seventeen LPAs consider the Draft NPPF to be vague or lacking in detail, ten of being ambiguous, contradictory or inconsistent, and twenty make requests for clarification. Stratford believe that the document is clearly written and easy to understand but this is not replicated.

2.3 Sustainable Development

The term ‘sustainable development’ occurs in the draft NPPF thirty-seven times and the words ‘sustain’, ‘sustainable’ or ‘sustainability,’ on their own, fourteen times.

Because of its importance the appendix to this report sets out some of the difficulties in defining the term. The 1983 Brundtland Commission definition is generally accepted by LPAs and by the NPPF:

Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

The Draft NPPF opens by saying: 'The purpose of planning is to help achieve sustainable development' and the authors cite both the Brundtland definition and the three pronged definition.

Later it says '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.' (14)

Ten LPAs consider that the term has not been clearly defined:

Lichfield: 'Sustainable development' needs to be better defined by the government in the context of this document - it is too open ended a term without clear definition....'

Malvern Hills: 'We consider that the draft document needs to retain an overarching definition of sustainable development against which the national imperative of securing economic growth can be assessed and given appropriate weight in future decisions. However, the consultation document is not clear and could ultimately make it difficult for councils to resist inappropriate development proposals which do not accord with local priorities and which could actively undermine local regeneration and inward investment programmes.'

Newcastle: 'There seems to be no clear definition of what a sustainable development might be... The plan is contradictory on this matter and implies that 'sustainable development' actually means 'all' development.'

North Warwickshire: 'A clear definition of what is meant by 'Sustainability' is required.'

Redditch: 'The Council welcomes the commitment to Sustainable Development however these paragraphs together provide a limited definition of the elements of sustainable development. It should be made clear that to define sustainable development appropriately that it should be set out in local plans, as every area is different.'

Rugby: 'Furthermore the term (sustainable development) needs to be properly defined for the purposes of plan making and development management within the NPPF. It is wrong to assume that this should be done at a local level. This is a term that needs to be consistent throughout the country...'

Stoke-on-Trent: 'The Framework does not provide any clear definition of sustainable development; the responsibility to articulate what constitutes sustainable development is left to the local community. This could lead to uncertainty in plan making and development management decisions until that local definition is made.' (Stoke-on-Trent is also concerned that the DCLG is not proposing to provide a legal definition of the term).

Walsall: 'Sustainable development is not defined, nor is unsustainable development except in a few selected cases... We would argue that sustainable development is embodied in a sustainable pattern of development, and national planning policy should provide that development location framework, that works to promote efficient land use patterns and promotes urban areas as sustainable locations for development. The Draft NPPF signally fails to do this; it provides a high level view of 'sustainable development' (based on the 'Brundtland' definition) but no practical guide for Local Planning Authorities as to how to achieve it on a day to day basis.'

Warwick: 'Whilst the Framework begins in paragraph 9 by using a widely accepted definition of what sustainable development, what follows in paragraph 10 is a different definition of what sustainable development means for planning. In addition, paragraph 12

states that to understand the Government's view of what constitutes sustainable development in practice, and how it is expected to be delivered, requires the draft Framework to be taken as a whole. There are concerns that in practice this may prove difficult to interpret and therefore the framework would benefit from greater clarity on what constitutes sustainable development.'

Wychavon: 'Whilst nobody would (presumably) object to the principle of sustainable development we are concerned that there will be many different interpretations of what constitutes sustainability, and that this will prove to be a source of delay and confusion at appeals and other planning examinations.'

While all of these LPAs think the term has not been properly defined they offer a variety of solutions. Rugby, for example, thinks that the term should be defined at a national level, while Stoke-on-Trent thinks that it should be defined locally.

Fifteen other LPAs accept, either overtly or tacitly, the secondary definition, i.e., that in determining applications the three elements of economic, social and environmental benefit should be considered together, but believe the Draft NPPF puts economic benefit before the other two. Some of these also think that the term has not been properly defined. Here are four LPAs on this subject:

Bromsgrove: 'Sustainable development has always been viewed as a balance of social, environmental, and economic factors; by placing significant weight on the economic factors over the social and environmental, the balance of what is sustainable is altered. Therefore the core of the planning system is being focused towards economic growth....'

Cannock Chase: 'The weighting of the draft NPPF in favour of facilitating economic development has the potential to encourage economic activity to the detriment of environmental and social considerations.'

Coventry: 'It (the Coventry City Council) is concerned that the definition of sustainable development appears to be 'stacked' in favour of economic growth...'

East Staffordshire: 'In the absence of a clear working definition of 'sustainable development' in the NPPF, the presumption undoubtedly places the emphasis on economic issues, and the sense of balance normally seen as being central to sustainable development is removed.'

Seven of the LPAs that challenged the definition or thought it had been badly defined also say the Draft NPPF of putting economic factors before the other two. Here are two of them:

Lichfield: 'Protection of the environment has always been a prime concern of the planning system, whilst having regard to economic and social factors. The proposed presumption in favour of economic growth runs counter to this and infers that environmental considerations will be of lesser importance... The NPPF is presented in such a way that the ordering of sections appears to give precedence to economic development, above all other issues.'

Stoke-on-Trent: 'Although the term sustainable development is repeated frequently through the document it is apparent that the overall aim of the draft NPPF is to deliver economic objectives. The social and environmental roles of planning coming a poor second, and indeed, if the document is read as a whole, as is stated throughout the different sections, the approach and importance of the natural environment could be significantly watered down from what is currently within PPS9.'

Overall twenty-one of the twenty-seven respondents think that the Draft NPPF seeks to put economic factors before social and environmental ones.

2.4 The Presumption in Favour of Sustainable Development

The presumption in favour of development is raised by sixteen LPAs:

Bromsgrove: 'The presumption in favour of sustainable development already exists in the UK planning system as it has done for many years. The Council has concerns with the current changes being proposed, rather than encouraging sustainable development, there is potential that the imbalance of sustainability criteria now being suggested will encourage more unsustainable patterns of development.'

Coventry: 'The presumption in favour of sustainable development will skew the balance between the economic, environmental and social outcomes in favour of economic growth.... It effectively privatises the benefits of development, and socialises the costs.'

Herefordshire: 'The 'presumption in favour of sustainable development' is too general a concept to be applicable in practice to all types of planning applications....The comment on 'When the plan is silent...' in paragraph 14 can... be seen to be impractical and unhelpful. The top-down presumption in favour of development set out in the NPPF would also appear to conflict with the principles of Localism - removing, as it appears to do, the scope for local discretion.'

Lichfield: 'Whilst the council understands and generally supports the Government's wish to promote growth and development, it feels that the expectation... that development will be approved unless its adverse impacts 'would significantly and demonstrably outweigh the benefits, when assessed against the policies... (a) tips the scales too far in favour of a blanket and uncritical approval of development; (b) sits uneasily with the principles of localism and (c) would be a near-impossible test to apply in practice in relation of a fifty-two page policy document, inevitably containing policies that would points towards different conclusions....The expectation... that local authorities approve all development on which their plan is silent is likely to have unintended consequences... it will encourage authorities to try and draft plans which anticipate every eventuality, and will work against the goal of having more rapidly-produced and shorter plans.'

Newcastle: 'Para 14 states that local planning authorities should 'approve all individual proposals wherever possible' and while this statement is contained in the same section as the statement that puts sustainable development at the heart of the planning system its wording seems very clear that regardless of this 'all' proposals should be approved.'

North Warwickshire: 'The relationship between the presumption in favour of sustainable development and locally-led development plans is not clear. The Borough Council fundamentally disagrees with a general presumption in favour of sustainable development. The clarity of a plan-led system is being diluted. To turn policy on its head and say that everything is presumed ok, unless excluded is going too far, and will lead to a loss of reasonable control.... It is unclear whether the NPPF is directing local policies to be set aside to deliver the government's growth agenda in response to market-led demands rather than to promote truly sustainable development for neighbourhoods and for local and wider than local area. For example, if a developer seeks to develop a particular area, but a local development plan seeks to protect it which takes precedence, if nationally there is a presumption in favour of development?'

Redditch: 'The Council has concerns that the general presumption in favour of development 'wherever possible' could undermine plan preparation, particularly where the NPPF indicate that permission is to be granted where plans are absent.'

Stafford: 'The presumption in favour of sustainable development appears to be weighted towards economic growth rather than being balanced to deliver high quality design principles through social and environmental factors... The Council is concerned about granting permission where the plan is absent, silent, indeterminate or where relevant policies are out of date... The Council is concerned that development will be approved unless its adverse impacts 'would significantly and demonstrably outweigh the benefits, when assessed against the policies... taken as whole', which could mean that development which is inappropriate for local needs will be approved and therefore conflict with Localism principles.'

Telford and Wrekin: 'The Council notes that no 'presumption against unsustainable development' is expressed and considers that the NPPF should state that where development proposals are not in accordance with an up-to-date development plan such proposals should normally be refused. T&W Council therefore considers the '*presumption in favour of sustainable development*' as expressed in the draft NPPF (para 26) may not necessarily support sustainable development and in certain circumstances could lead to uncontrolled and indeed unsustainable development... 'The first core principle (para 19) states 'planning should be genuinely plan-led'... It is important however that this is not diluted by other NPPF advice (e.g. the second core principle states the default answer to development proposals is yes, without referring to the need to consider whether there is an up-to-date statutory plan in place)... The draft NPPF advises that local planning authorities should '*Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.*' Plan preparation takes significant time and resources.'

Walsall: 'The greatest ambiguity (in the NPPF) is the 'presumption in favour of sustainable development' itself; it is not just that this is ill defined and appears to include any development, but also that the 'Local Plan' only appears to be the 'starting point' for all this. This will make for endless arguments between applicants and local authorities... Even more seriously, ambiguity is the enemy of certainty - and certainty is the key to investment, and therefore growth.... The draft NPPF (also) proposes on the one hand that planning should be 'genuinely plan-led', and on the other hand that 'default answer to development proposals is 'yes' except where this would compromise 'key sustainable development principles set out in this Framework'. However, it is not clear what principles are being referred to, and if this means the principles set out in paragraph 10, these are set at such a high rhetorical level as not to be practicable in the everyday sense... The approach towards the 'presumption in favour of sustainable development' (paragraph 13) appears to represent effectively a presumption in favour of all development in the absence of any clear definition of what 'sustainable development' means. The 'definition' provided in paragraph 10 of the draft NPPF is not sufficiently clear or robust to prevent endless debates over what is/is not 'sustainable development'... Furthermore, the messages that the default answer must be 'yes' except where 'key sustainable development principles' would be compromised, and that permission should be granted where the local plan is 'silent, indeterminate or where relevant policies are out-of-date implies that all planning applications must be approved unless: There is clear conflict with the vague guidance in the NPPF or There is a clear conflict with local development plan policy (whose relevant is likely to be a matter of dispute even if the was adopted yesterday).'

Worcester: 'The presumption in favour of sustainable development has been taken as a radical departure from existing practice, but this is not demonstrated by national approval

rates where over 85% of all applications nationally and over 90% of applications in Worcester are approved.'

Wychavon: 'Whilst we understand and generally support the Government's wish to promote growth and development, we feel that the expectation that development will be approved unless its adverse impacts 'would significantly and demonstrably outweigh the benefits, when assessed against the policies... (a) tips the scales too far in favour of a blanket and uncritical approval of development; (b) sits uneasily with the principles of localism and (c) would be a near-impossible test to apply in practice, particularly in relation to a fifty-two page policy document which inevitably contains policies that point towards different conclusions. As worded, this test would apply to all development, however minor...'

2.5 Planning and Growth

The suggestion in the Draft NPPF that planning may be inhibiting growth is addressed by Seven LPAs:

East Staffordshire: 'The Council understands that part of the rationale behind the NPPF is to address the perception by Government that the planning system is a brake on growth and adds to the cost of development.... We feel the draft NPPF goes too far and undermines the insistence by CLG that the Draft NPPF is promoting quality, sustainable development, rather than allowing any development.... At present, the draft guidance is arguably skewed too far in the favour of maintaining (undefined) 'acceptable returns for developers, and lacks emphasis on the importance of delivering quality, sustainable development outcomes....'

Lichfield: 'The consultation document makes the case that the planning system currently hinders economic growth. The Council feels that this is not the case - at LDC we are proactive in having early discussions with developers/seek to find solutions to problems, whilst still dealing with a high percentage of applications within the 8-week/13 week timescales... The Council has a general concern that the changes being put forward here in the NPPF and also through other Government initiatives reflect a view that planning is a barrier to growth and acts to hinder the delivery of benefits to all. This view is popularly espoused but is not borne out by the evidence. Local communities value their environment but also seek jobs, housing, shopping, social and community facilities etc... A well-structured and resourced planning system can deliver on these objectives and goals... The NPPF should in its final published version recognise the importance of planning to local communities (including business) and the country as a whole. It should acknowledge the significance people put on protecting important green spaces and habitats as they do on seeking essential development to meet needs...'

North Warwickshire: 'It would appear that Government is blaming planning for the lack of development and see that, by relaxing planning rules, this will lead to economic recovery. There are over 75,000 live planning permissions in the West Midlands alone illustrating that planning is not the main issue, as it is only a small proportion of the development process. The proportion of applications that are approved by Local Planning Authorities is usually between 80 and 90%. It seems therefore the Government is unnecessarily relaxing planning control in pursuit of a problem that does not exist.'

Shropshire: 'It is...therefore a valid place to echo a general concern relating to the perception that planning has a negative impact on the economy and is thus a major impediment to business. In Shropshire we approve over 90% of all planning applications and across the West Midlands there are 97,000 properties with planning permission that are yet to be built...'

Walsall: ‘However, the Council would like to emphasise that the planning system in general is not a brake or imposition on growth as some commentators would have it. Indeed, there is no sign that the UK’s economic growth rate fell after the series of Town and Country Planning Acts in the 1940s that set up the planning system - if anything it rose. Planning is essential provide certainty, and therefore confidence to invest. If that confidence is thrown away, for reasons of short term expediency, so that for example decisions are based on the use that yields the highest return on land at any one time, growth and investment... might go elsewhere or not happen at all.’

West Midlands: ‘The evidence base for the more fundamental changes advocated through the NPPF is weak and very much driven by a Treasury/BIS view of the planning system, which is not substantiated. No objective evidence is offered that the planning system operated in England is more restrictive than in the name competitor countries... Furthermore, no objective evidence is offered that the planning system contributes to the shortfall in housing... The fact that planning can help create and shape markets and overcome economic disparities has been overlooked...’

Worcester: ‘Previous assertions expressed through Ministerial concerns that the planning has been a brake on development, to the detriment of the economy, appear to be a driver of the framework. However, NPPF should recognise the good track record of LPAs. There is scant evidence from Worcester that planning has delayed, or undermined development.’

3. Specific Policy Areas

We now turn to the more specific policy areas covered in the responses.

3.1 Environmental

3.1.1 Green Belt

The draft NPPF says ‘The Government attaches great importance to Green Belts,’ (133), but this is then qualified: ‘The general extent of Green Belts across the country is already established. It should not be necessary to designate new Green Belts except in exceptional circumstances.’ (136)

Eleven LPAs welcome the support for the Green Belt, but seven qualify their welcome to a greater or lesser degree:

Bromsgrove: ‘BDC welcomes to the continued protection for the green belt as a district with currently 91% green belt coverage, which consistently is under pressure from development form surrounding districts... BDC has concerns about: the allowance of proportionate extensions to **all** types of buildings in the green belt... the replacement of **any** building providing it is not materially larger than the one it replaces... infilling or redevelopment of **any** previously developed site... The relationship between green belt and the presumption in favour of sustainable development needs to be clarified. As does whether or not green belt releases are acceptable if they help meet housing needs...’

Cannock Chase: ‘While support for the Green Belt is given the Council has major concerns about the impact of planning for long-term growth on the integrity of the Green Belt.’ And, ‘Does the requirement to meet housing need trump Green Belt policy?’

Warwick: ‘It is welcome that the Framework maintains the thrust of green belt policy... However, the additional exceptions to what is not considered inappropriate development are of concern.’

Five LPAs express serious doubts about the new policies:

Lichfield: ‘This section is somewhat confusing due to the use of double negatives. References to disproportionate additions/material increases in size are vague and are not defined... The Council is concerned that the draft document seems to allow blanket development of previously developed land in the Green Belt, which is likely to open the floodgates for the redevelopment of any disused site...’

Rugby: ‘There needs to be specific mention of the importance of the Green Belt within the Core Planning Principles to ensure that it remains a significant part of the approach to sustainable development.’ They also say limited infilling of brownfield sites in the Green Belt may compromise the function of the Green Belt policy.

Solihull: ‘The policy on green belt should be laid out more clearly.’

Stoke-on-Trent: ‘Development of previously developed Green Belt land is already appropriate development if identified in the Local Plan as a Major Development Site - it is proposed to extend this policy to all previously developed land. This will mean that development of such sites would, provided they had no greater impact on the openness of the Green Belt or on the purpose of including land within the Green Belt, would not need

to be any longer justified on the basis of very special circumstances. This may allow the development of sites within the Green Belt in a manner contrary to our Core Spatial Strategy.'

Walsall: 'The draft NPPF represents a weakening of the current Green Belt protection provided by PPG2'. This is developed in considerable detail, ending with, 'We consider that the present provisions of PPG2 should continue in full.'

3.1.2 Undesignated Countryside

The questionnaire does not refer to undesignated countryside, but one LPA raises the point:

North Warwickshire: 'Outside of the Green Belt, Areas of Outstanding Natural Beauty and National Parks it should not be a free for all. It is therefore important that there should be the ability to consider the intrinsic value of the countryside as well as the necessary transport requirements and the appropriate flood defences for a site. Development will be present for a long time and these issues should be within the overall considerations of the planning process. Wrong decisions on these key issues could lead to public money being required at a later date to fix a problem that should have been dealt with at the time of the permission. The value of countryside outside of these definitions should be recognised and be capable of protective categorisation.'

3.1.3 Natural Environment

Seven LPAs raise concerns about Open Space, the Green Infrastructure and the Natural Environment:

Birmingham: 'The City Council believes that the NPPF should identify the provision of open space/green infrastructure as one of the core planning principles within the Framework... a blanket protection for all open space is not appropriate... The importance of green and blue space should not be underestimated particularly in the context of addressing the consequences of climate change and the promotion of healthy lifestyles. This does not appear to be reflected in the current Draft NPPF.'

Coventry: In response to question QB4.2: 'What impact will the Local Green Space designation have....?', the answer is: 'It will be used to block development at the urban fringe, by those who have previously sought to use Village Greens to block development. The designation would effectively treat land in the same way as if it were designated Green Belt, but without the need for the land to perform any of the purposes of Green Belt. The result will be that development leapfrogs the Green Belt, with longer commuting distances, higher carbon emissions, and associated social impacts from hard working families spending ever-increasing amounts of time commuting to and from work.'

Telford and Wrekin: 'T&W Council notes that the questionnaire does not invite comment in respect of the 'Sustainable communities' section of the draft NPPF, the section that includes the paragraphs relating to open space... Whilst the importance of supporting economic growth is strongly supported, T&W Council considers this should not be at the expense of protecting valued countryside and open spaces. The NPPF contains no reference to protecting the countryside for its own sake outside of designated areas and the proposed 'Local Green Space' designation is to be restricted to 'demonstrably special area'. T&W Council considers the NPPF approach may result in a vulnerability of Telford's green spaces and countryside to uncontrolled development. T&W Council suggests the draft weakens current national policy on open space... T&W Council considers a proper definition of what constitutes an open space should be included... In general there is a lack of policy detail on open spaces. It is also noted there is no reference to trees and

woodlands in the draft NPPF document and clarification is required that current controls... will still apply. It is considered the NPPF should address the value of trees and woodlands for biodiversity, for healthy living and for future generations and the need to manage our existing tree stock.'

Walsall: 'It is unclear what the 'new approach' towards green infrastructure is, because the draft NPPF doesn't have much to say about it. We found only two references to green infrastructure, in paragraphs 154 and 167. Although the impact assessment suggests this is the case, there is no sense in the draft NPPF itself that planning authorities should plan for a coherent network of 'green infrastructure' across their area. Indeed, it appears that they will only be permitted to protect existing green spaces and designate small areas as 'Local Green Space' under the draft open space, sports and recreational policy. As it assumes that the 'Local Green Space' approach is an improvement on the existing policy (which it isn't), the impact assessment does not consider the risk that this definition of green space - much narrower than the current definitions in PPG17 - will prevent planning authorities from delivering the green infrastructure networks needed to support 'sustainable communities.'

3.1.4 Biodiversity

Eleven LPAs challenge the removal of the requirement for biodiversity and geological enhancement, for example:

Lichfield: 'The draft NPPF in its current format falls far short of reflecting the earlier commitments laid out in the Natural Environment White Paper... and in some areas even appears paradoxical. The need to take the natural environment and biodiversity into account is undermined by the 'presumption towards sustainable development' which runs throughout the draft Framework. The environment must be given greater consideration within the document.'

Staffordshire Moorlands: 'Whilst most of the policy re-iterates existing PPS, in a more concise way, there are differences in wording which could have serious implications on biodiversity interests. Whilst both PPS9 and NPPF both refer to how development which would cause 'significant harm' to nature conservation interests should be refused, the approach to SSSIs, and international sites are slightly different... The NPPF does not give special reference to SSSIs, rather its generic direction is that 'significant harm' be avoided to nature designations. So, the position towards development which, as it were, causes harm which is *less than significant*, is unclear - but when read in conjunction with other parts of the framework, there appears a presumption in favour of expeditious development.'

3.1.5 Historic Environment

Sixteen LPAs challenge the policies on the Historic Environment:

Bromsgrove: 'PPS5, which was only introduced in the Spring of 2010 contains 14 pages of planning policy, whereas the historic environment section of the NPPF reduces this guidance down to two and a half pages. This has resulted in the weakening of the protection, as whole sections of PPS 5 have been deleted while other sections have been watered down... Now that the policies protecting the Historic Environment are contained in one general planning document rather than a specific historic Environment document as before, it is unclear which policies are to carry most weight when considering a planning application. This is likely to result in more planning appeals until precedents are established and greater costs for local planning authorities... Although it has been stated that the NPPF will replace PPS5, it is unclear whether the Historic Environment Planning Practice Guide, also published in 2010, is also to be replaced or whether it will continue to

be used, and if so how much weight should be attached to it. Overall in terms of managing and protecting the historic environment this new document is not particularly helpful in comparison with PPS5 and has introduced a large number of uncertainties.'

Cannock Chase: 'In essence the draft NPPF uses the same definitions and general policy direction as the existing PPS5. However, in simplifying and shortening the advice a great deal of useful guidance and policy principles to ensure consistency and objectivity and to support local and appeal decision making has been lost... The balance of presumption has changed in favour of development and away from protection of the historic environment which is very likely to lead to less significant historic assets, e.g. buildings of local historic interest on a Local List, having little or no chance of being retained as there will always be an economic argument for their loss...'

Stoke-on-Trent: 'Insufficient weight is given to the positive contribution that historic assets can make to sustainable development. The impression the NPPF gives is that its only contribution is as a constraint to be weighed against development proposals whereas, in many cases, the appropriate positive use of heritage assets in the development process can add economic and cultural benefits to what is proposed. We think the positive contribution that the historic environment can play should be reflected in paragraph 10 and either paragraph 177 or 178...'

3.2 Housing

The section on housing is challenged by twenty LPAs. Here are four comments:

East Staffordshire: 'The draft NPPF policies seem unlikely to encourage communities to plan positively for development. Based on our discussions about the NPPF, it is creating additional concern about the potential for the planning system to have less control over where development goes as a result of the presumption in favour, and the loss of any balance in the implied interpretation of sustainable development... The NPPF needs to be written in such a way that it is clear whether the terms 'need' and 'demand' are being used interchangeably....'

Lichfield: 'The housing requirements section... appears to be very contradictory. On the one hand it talks of the plan... catering for the needs of the 'local population'. In the very next line, it talks of the plan also having regard to needs arising from migration. It is of particular concern to the Council to know how plans are supposed to have regard to migration in the absence of any strategic guidance on the subject... The Framework generally needs to be clearer about what it means by meeting the full housing requirement... The final bullet point on page 30 refers to 'the rolling 5-year supply.' Moreover, the reference to a rolling supply does not appear in PPS3, so if this is new policy it should be made clear as to its purpose....'

Newcastle: 'We would support the policies on increasing the supply of housing and a wider choice of quality homes. However, we feel that the document should further emphasise the need to ensure that any development is sustainable. The statement in Para 110 that planning permission should be granted where relevant policies are out of date is not tempered by the test of ensuring that development is appropriately located, sustainable and of good design quality...'

Shropshire: 'The housing requirements section (para 28) appears to be internally contradictory. On the one hand it talks of the plan (through the SHMA) catering for the needs of the 'local population.' In the very next line, it talks of the plan also having regard to needs arising from migration. The paragraph also alternates between meeting housing **need** and housing **demand**... The Framework generally needs to be clearer about what it

means by meeting the full housing requirement... as it will be for each planning authority to establish the requirement for itself.'

3.2.1 Housing Supply

Under Housing, the NPPF has a heading, 'Significantly increasing the supply of housing,' and under that it says that in order to boost the supply of housing local planning authorities should do seven things, one of which is to 'identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of 20% to ensure choice and competition on the market for land.' (109) Twenty-three LPAs either disagree or call for clarity:

Cannock Chase: 'It would be helpful if absolute clarity could be provided as to whether or nor the 20% flexibility on deliverable sites within the five year supply is expected to be translated across the plan period to give a 20% flexibility on the plan target of developable sites.'

Coventry: 'Paragraph 109 requires a 6 year supply of housing sites (5 years plus 20%), but then refers to years 6-10 and 11-15. This risks being double counted (in both the 6 years supply and the following five year chunk) and total confusion at appeal. It is not clear whether this 20% refers to numbers of homes or land area.' The answer to QB3.2 describes the presentation of this policy as 'a recipe for confusion.'

Herefordshire: 'Paragraph 109 also introduces the concept of a 'rolling' five year supply and 'plus 20%'. The former needs clarification as to what exactly is meant by the expression, and the latter needs more clarity to avoid the impression that this is simply increasing the 5 year requirement to a 6 year one. There does not appear to be a secure evidence base to support this change anyway...'

Lichfield: 'This seems to be a means of increasing authorities' housing allocations by stealth.'

Malvern Hills: 'There is no supporting evidence to show how a requirement for an additional 20% has been arrived at and why that specific additional allowance is considered capable of providing essential choice and competition which might not be available within the initial five year requirement.' This is developed at length.

North Warwickshire: 'Strongly Object. The Borough objects to this change as all targets are arbitrary - why is five years better than six? This will only lead to increased development pressure in places like North Warwickshire where two thirds of our Borough area is designated Green Belt. The moving of the goal posts when the five year housing requirement has only been in place for a few years is unacceptable.'

Nuneaton and Bedworth: 'The immediate introduction of the need to identify a 5 year housing supply plus 20% would increase the risk of applications being approved purely on grounds of supply.'

Walsall: 'The additional 20% requirement could be very damaging to efforts to regenerate urban areas and should be reconsidered.' Then, in answer to QB3.2: 'The sloppy drafting of the NPPF makes it unclear whether the 20% is for land or numbers of dwellings. This needs to be clarified (though in any event we consider it should be reconsidered in view of the potential damaging effect.)'

Stoke-on-Trent is the only LPA to welcome this policy.

3.2.2 Travellers

Thirteen LPAs question whether the NPPF will deal adequately with provision for travellers:

Herefordshire: ‘The draft policies on travellers are set out in a completely different style and will not sit comfortably with the draft NPPF both in terms of details and presentation. Plus the proposal to align Gypsy and Traveller policies more closely with other housing policies requires clarification...’

Malvern Hills: ‘This Council believes that the current definition (and the likely future definition set out in the consultation document) serves inappropriately to convey a special status to Gypsies and Travellers within the planning system which is not warranted or necessary. Many sectors of the settled population and local communities have specific and diverse needs related to their physical, cultural, ethnic, religious, economic, social or personal characteristics. However, in the vast majority of cases the planning system is blind to these factors other than where appropriate they can be taken into account as material considerations in the development of policy and the making of planning decisions. What is more the benchmark for the test for travelling for economic purpose is outmoded and in practice is set so low as to suggest many within the settled community could possibly comply with it by virtue of the travel demands associated with their highly mobile jobs. It is acknowledged that sites for Gypsies and Travellers are contentious. However, so are many other potential developments and there is no overriding need for this sector of the community to be protected from having to present the merits of their proposals on a level playing field with the settled community. In short within the national planning system there is no need for positive and differential support for Gypsies and Travellers providing it is clear that their proposals are fairly assessed and any relevant material considerations are taken into account, as is the case with all other applications for development. In addition the notion that special consideration is required for someone who has given up a nomadic life is clearly something that is not readily understood or accepted by the settled community.’

Solihull: ‘It is imperative that the main thrust of the draft PPS and the overarching objectives for planning in relation to Traveller sites, which was supported in general by the Council in its response to the draft PPS, is not lost or diluted when it is incorporated into the NPPF.’

South Staffordshire: ‘The Council has strong concerns about the issues raised by Traveller Site provision and remains extremely disappointed about the lack of protection to the Green Belt in particular...’

3.3 Urban Regeneration

3.3.1 Brownfield Land

The NPPF removes the ‘brownfield first’ policy. Sixteen LPAs oppose this change:

Birmingham: ‘The City Council has serious concerns regarding the lack of NPPF’s urban regeneration reference for development on brownfield land as a key planning objective. The City Council strongly believes that the preference for development on brownfield land over greenfield is fundamental to sustainable development.’

East Staffordshire: ‘We are not minded to change our approach - we remain clear that seeing the regeneration and redevelopment of brownfield sites remains a priority.’

North Warwickshire: ‘Strongly Object. Brownfield sites must be developed wherever possible and is a key part of sustainability agenda... Removal of this requirement will only lead to more attractive, and easier to develop sites being preferred, leaving urban and industrial wastelands to rot without public investment...Let’s use the already developed sites first and leave green fields until later.’

3.4 Employment Land

3.4.1 Protection of Employment Land

Four LPAs raised concerns about Paragraph 75 of the draft NPPF: ‘Planning policies should avoid the long term protection of employment land or floorspace...’:

Wolverhampton: ‘The draft NPPF as a whole is focused on promoting economic development, but paragraph 75 serves to undermine this focus by removing long term certainty for businesses and investors. Employment land is a key source of supply for housing land in both urban and rural areas. If plans are not able to both provide long term protection for key employment areas and identify which employment land is suitable for housing and other development, this will weaken the ability of LPAs to plan for development in their area in a meaningful way and to protect and create jobs in the long term.’

Wychavon: ‘There is potential conflict between paragraph 24, which seems to encourage the making of long-term designations of land and paragraph 75, which seems to discourage it in the case of employment land....’

3.4.2 Office Development

Paragraph 78 of the Draft NPPF says that, ‘Local planning authorities should prefer applications for retail and leisure uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.’ Sixteen of the respondents are concerned that this policy is not to be applied to offices and commercial development:

Coventry: ‘The omission of offices from the ‘town centre first’ policy approach will undermine centres’ viability, because the shops rely on a critical mass of people with money to spend, and by taking jobs out of centres there is a risk that retail spending will follow. A more dispersed pattern of jobs will therefore inevitably result in a more dispersed pattern of shops and other services, potentially leaving existing centres derelict and dangerous places....’

Redditch: ‘Office developments no longer need to apply the sequential test although they seem to be recognised as a town centre use elsewhere in the framework so this needs to be clarified. The council feels that this will encourage significant edge/out of centre office parks which could be damaging to the vitality and viability of centres.’

South Staffordshire: ‘The Council is concerned that the removal of the ‘Town Centre First’ policy regarding office development could lead to pressures on Greenfield sites that are well connected to the principal roads... In particular the Council draws attention to the potential threat to Green Belt land...’

Walsall: ‘Given the circumstances of our town centres support for them should be strengthened but the NPPF fails to do this... The NPPF needs to recognise the importance

of town centres as focal points for civil society and for community and cultural activities as well as for economic activity.'

West Midlands: 'The risks identified in removing offices from the 'town centre first policy' simply states that people may have to travel further to work, with adverse impacts on carbon emissions. This will be mitigated as: 'Office development will still be subject to the policy requirement that development stating significant people movement should be located in accessible locations where sustainable transport modes can be maximised. Such locations tend to be in urban areas.' This is very simplistic as out of town business parks cannot match the accessibility benefits of town centres. The justification is weak and should take into account other matters.'

Only Cannock Chase supports the removal of this policy.

Five LPAs also disagree with Paragraph 80 of the Draft NPPF; 'Planning policies and decisions should assess the impact of retail and leisure proposals, including:... the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to ten years from the time the application is made'. They believe that this might lead to out of town retail and leisure centres.

3.5 Transport

Nine LPAs raise concerns about the Transport section of the NPPF:

Cannock Chase: 'The section on transport is very limited in scope compared to PPG13 Transport. As such it is more theoretical than practical and in itself, will not lead to any significant promotion of sustainable transport initiative.'

Lichfield: 'This whole section is very general and geared entirely towards economic development. There is no mention of the social side of providing a sustainable transport network....'

South Staffordshire: 'The Council considers that objectives of transport policy do not take account of the environmental impact of transport related development. The focus on economic growth is not properly balanced by environmental considerations. This is particularly acute in locations where the motorway network and primary routes pass through sensitive locations such as Green Belt and open countryside... These paragraphs as currently set out are skewed too heavily towards economic growth...'

Stoke-on-Trent: 'Local planning authorities are effectively required (paragraph 86) to place the facilitation of sustainable economic growth ahead of transport factors... The Framework fails to adequately balance the pursuit of growth with adequate policy preventing adverse impacts to local movement. This problem is compounded by other sections of the document which state that development should not be refused if viability testing shows that contributions towards CIL and Section 106 cannot be given...'

Walsall: 'The weakening of safeguards in relation to town centres, the removal of the requirement to provide for the efficient use of land, the removal of the prioritisation of brownfield land, and the vague wording of the policies remaining, are highly likely to allow decentralisation, which is the opposite of a compact and sustainable development pattern, and which will generate more transport problems, more car mileage and higher carbon dioxide emissions. There is no recognition in the transport section that local authorities should promote development patterns that make for one trip fulfilling a variety of purposes. It will be impossible for local authorities to encourage people to minimise

journey lengths for employment shopping, leisure etc. in a more decentralised settlement pattern.'

4. Role of Local Authorities

4.1 Transitional Arrangements

If the Draft NPPF is adopted in the Spring of 2012 as anticipated the majority of local planning authorities will not have adopted their new local plans, the fruit of The Planning Act of 2004. Even if the local plans have been adopted change in the Draft NPPF may mean new policies will have to be drafted at a local level. Twenty LPAs raise this issue. Here are two examples of the fear that the lack of a local plan will leave them extremely vulnerable to unwanted development proposals:

East Staffordshire: 'We ...have genuine concerns about the implications in the period during which there is no up to date Core Strategy or Local Plan.'

Rugby: 'Depending on the outcome of a conformity statement on the Core Strategy against the NPPF, the Borough Council would find itself with a potential policy vacuum at the local level of certain issues with a resultant 'yes to development' on many schemes that would otherwise be inappropriate. Consequently there is need for a transitional period to allow Councils to address any areas of non conformity they have in their existing local policy. It is vital that policy vacuums are avoided which are potentially very detrimental to the social, economic and environmental elements of the Borough which the NPPF requires the local plan to enhance and protect.'

And here are two who argue that new policies will have to be made locally to replace policies which have been lost:

Lichfield: 'The Council understands and generally welcomes the search for brevity in the Framework. However, PPSs and PPGs include quite a lot of useful policy that is used in daily in decision-making. If they are not provided in some form there will be a policy vacuum and we are likely to see the gradual piecemeal re-introduction of these generic policies into individual development plans.'

Wychavon: 'We understand and generally welcome the search for brevity in the Framework. However, Government Circulars, PPSs and PPGs include a lot of useful policy and guidance that is used daily in decision-making. If these are not provided in some form there will be a policy vacuum and we are likely to see the gradual re-introduction of these generic policies into individual development plans. This would be a retrograde step. Alternatively, much time and expense will be devoted to filling policy vacuum through the courts...'

4.2 Powers of Local Authorities

Thirteen LPAs express the fear that power will be taken from them. One issue is the speed of dealing with applications. The draft NPPF says:

'Local planning authorities have a key role in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they could encourage take-up of any pre-application services they do offer. They could also, where they think this would be

beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.’ (57)

‘To avoid delay, developers should discuss what information is needed with the local planning authority and expert bodies as early as possible.’ (59)

‘Developers and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.’ (60)

Here are some of the Responses:

Bromsgrove: ‘The ability for national incentives to be a material consideration, which we understand to be the new homes bonus and other similar schemes presents a considerable threat to one of the fundamental principles (of) the UK planning system, that planning permission cannot be bought and sold. At a local level the new homes bonus has been greeted with significant scepticism, particularly when discussed with communities who do not want further development in their areas.’

Newcastle: ‘Generally we are concerned that throughout the document there is a lack of awareness of how key policy messages and importantly specific detailed elements of the draft will be interpreted and utilised by the development industry to attempt to circumvent the plan led system and promote potentially unsustainable development.’

Solihull: ‘The simplification of Planning Guidance can be supported, but this should not be at the expense of weakening the democratic and accountable principle of local authorities having control over development in their area.’

Question 4a from the Questionnaire considers external guidance:

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

The question attracted the following score: Agree: 2, Neither Agree nor Disagree: 7, Disagree: 8, Strongly Disagree: 2, although with little detailed response. However Question 4b: ‘What should any separate guidance cover and who is best placed to provide it?’ generally received a fuller answer.

Cannock Chase ‘Clarity needed on organisations, their planning capability and their ability to be independent.’

Warwick: ‘Guidance should be independent of private enterprise....’

Coventry and Worcester: ‘The Council (City Council) reserves judgement concerning organisations outside Government providing this guidance, because this exposes the planning system to certain risks. These risks centre around impartiality and the central principle that planning permission should not be bought and sold (notwithstanding that CIL shares this second risk). It should be borne in mind that appearances from the lay-person’s point of view are often as important as the reality from the practitioner’s side, because to retain credibility the system must be seen to be fair and not open to corruption.’ *Worcester* added another sentence: ‘CLG needs to retain oversight of and responsibility for guidance production.’

5. Conclusions

It is clear that the West Midlands local planning authorities are dissatisfied with the Draft NPPF and are concerned about its impact on planning in the future.

These concerns are the more striking because their responses were made more or less independently of each other. While the Seven Metropolitan LPAs produced a joint response, there were few other responses where the same words were used. The prose styles of the respondents and the presentation of these twenty-seven documents are very different. Nevertheless they have reached similar conclusions on a numbers of different topics.

CPRE's NPPF Resources:

CPRE's response to the draft NPPF consultation is available at: <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2583-cpres-response-to-the-draft-national-planning-policy-framework-consultation>.

Our national analysis of selected LPA responses at <http://www.cpre.org.uk/media-centre/latest-news-releases/item/2627-english-councils-critical-of-government-planning-reforms>

We have also produced a detailed report to demonstrate how a brownfield first approach can continue to support new housing on an ongoing basis, available at <http://www.cpre.org.uk/media-centre/latest-news-releases/item/2606-new-report-england-needs-to-keep-recycling-land-now-more-than-ever>

The Draft NPPF refers specifically to the role of Local Enterprise Partnerships which includes Local Authority representation:

'Local planning authorities should...work together with county and neighbouring authorities and with local enterprise partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market....' (29)

Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable economic growth in consultation with Local Enterprise Partnerships. (45)

Not surprisingly this issue is not addressed in the responses. However our report on Local Enterprise Partnerships addresses their role in planning specifically.

See: <http://www.cpre.org.uk/media-centre/latest-news-releases/item/2617-local-enterprise-partnerships-lack-transparency-say-campaigners>)

APPENDIX 1

Sustainable Development: A further look at the meanings

We have noted the Brundtland definition, which appeared in 1987:

Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Also, the subsidiary, three-pronged definition that appeared at the same time and which can be expressed thus:

In considering planning applications, equal weight should be given to economic, social and environmental factors.

Both these definitions, or conceptions, are broadly based. While it is clearly important that they are embraced by local planning authorities, they need further elucidation before they can be used effectively at a local level.

In February, 2011, the Department for the Environment, Food and Rural Affairs wrote a pamphlet entitled 'Mainstreaming Sustainable Development - The Government's Vision and What this Means in Practice.' which sets out the current Government's approach. The opening paragraphs say:

The Coalition Government is committed to sustainable development (SD). This means making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same. These are difficult times and tough decisions need to be made. The Government believes in going beyond the short term with eyes fixed firmly on a long term horizon shift in relation to our economy, our society and the environment.

This refreshed vision and our commitments build on the principles that underpinned the UK's 2005 SD Strategy, by recognising the needs of the economy, society and the natural environment, alongside the use of good governance and sound science.

Sustainable recognises that the three 'pillars' of the economy, society and the environment are interconnected. The Government has introduced a series of growth reviews to put the UK on a path to strong, sustainable and balanced growth. Our long term economic growth relies on protecting and enhancing the environmental resources that underpin it, and paying due regard to social needs. As part of our commitment to enhance wellbeing, we will start measuring our progress as a country, not just by how our economy is growing, but by how our lives are improving, not just by our standard of living, but by our quality of life.

These paragraphs absorb the Brundtland definition. Critically, the Brundtland definition and the three pillars have been adopted by the Government.

However, there is also another definition of 'sustainable' which literally means, 'capable of being sustained,' and it is in sense that the phrase is often used in local planning decisions. If a housing estate is proposed, councillors are naturally anxious to know if the neighbouring roads will take the extra traffic, that it will be reasonably near a surgery and shops, and that the local school

will be able to cope with more pupils. If not, then the roads may need to be upgraded and services provided. However, this is a very different sense to that in which the term is used in the Brundtland definition.

There are other definitions as well which mean that at the present moment it the term is often used vaguely or is open to various interpretations. The following quotations from three abstracts of Internet articles gives a sense of this:

Green Cities, Growing Cities, Just Cities? Urban Planning and the Contradictions of Sustainable Development, by Scott Campbell. 'Planners have to redefine sustainability, since its current formulation romanticizes our sustainable past and is too vaguely holistic.'

Sustainability and sustainable development: Historical and conceptual review, by Desta Mebratu. 'The vagueness of the concept of sustainable development, coupled with its increasing importance in national, international and corporate policies, has led to a large political battle for influence over our future by linking interpretation to the concept. This has resulted in a wide variety of definitions and interpretations that are skewed towards institutional and group prerogatives rather than compounding the essence of the concept, which has been inherent in traditional beliefs and practices.'

What is Sustainable Development? Goals, Indicators, Values, and Practice, by R. W. Kates. 'Since the term 'sustainable development' was coined, a core set of guiding principles and values has evolved around it. However, its definition remains fluid, allowing institutions, programs of environment and development, and places from local to global to project their own aspirations onto the banner of sustainable development.'

Sustainable development: A critical review, by Sharachandra M. Lélé. 'Over the past few years 'Sustainable Development' (SD) has emerged as the latest development catchphrase. A wide range of nongovernmental as well as governmental organizations have embraced it as the new paradigm of development. A review of the literature that has sprung up around the concept of SD indicates, however, a lack of consistency in its interpretation.'

Sustainable Development and Urban Form, an article in *European Research in Regional Science* 1992, Volume 2. 'The environment is very close to the top of the political agenda in many countries. There is a widespread consensus that progress towards 'sustainable development' is essential. However, there is considerable debate as to what this term means.'

Sustainable Development: Mapping Different Approaches, Hopwood, University of Northumbria. 'Sustainable development, although a widely used phrase and idea, has many different meanings and therefore provokes many different responses.'

So far the Government has not defined what sustainable development means in the NPPF despite requests from a number of organisations from various sectors to do so (including CPRE). One definition is 'what is in the NPPF itself' but this becomes a circular argument where the NPPF is assumed to have defined the term without having done so, so cannot be tested against any external objective criteria.

APPENDIX 2

West Midlands Local Authority NPPF response scores

1	Sustainable Definition: Is the three pronged definition accepted?	Yes: 15 No: 11	Birmingham, Bromsgrove, Cannock Chase, Coventry, East Staffordshire, Herefordshire, Nuneaton & Bedworth, Shropshire, Solihull, South Staffordshire, Stafford, Stratford. Telford & Wrekin, West Midlands, Worcester Lichfield, Malvern Hills, Newcastle, North Warwickshire, Redditch, Rugby, Stoke-on-Trent, Walsall, Warwick, Wychavon
2	If accepted, is the definition challenged on the grounds that economy is put first?	14	Birmingham, Bromsgrove, Cannock Chase, Coventry, East Staffordshire, Herefordshire, Nuneaton & Bedworth, Shropshire, Solihull, South Staffordshire, Stratford, Telford & Wrekin, West Midlands, Worcester
3	If not, is the matter of economy being put first raised?	7	Lichfield, Malvern Hills, Redditch, Stafford, Stoke-on-Trent, Warwick, Wychavon
4	Is the presumption in favour of sustainable development challenged?	16	Bromsgrove, Coventry, East Staffordshire, Herefordshire, Lichfield, Malvern Hills, Newcastle, North Warwickshire, Redditch, Solihull, Stafford, Staffordshire Moorlands, Telford & Wrekin, Walsall, Worcester, Wychavon
5	A fear that sustainable development might be any development	4	East Staffordshire, Newcastle, Worcester, Wychavon
6	Is the soundness policy challenged?	7	Coventry, East Staffordshire, Lichfield, Newcastle, Redditch, Stoke-on-Trent, Wychavon
7	The draft NPPF is vague or lacks detail	17	Birmingham, Coventry, Lichfield, Malvern Hills, Newcastle, North Warwickshire, Nuneaton & Bedworth, Redditch, Stafford,

			Stoke-on-Trent, Stratford, Telford & Wrekin, Walsall, West Midlands, Wolverhampton, Worcester, Wychavon
8	The draft NPPF is ambiguous, contradictory or inconsistent	10	Coventry, East Staffordshire, Herefordshire, Lichfield, Malvern Hills, Newcastle, Stoke-on-Trent, Walsall, Worcester, Wychavon
9	Requests for clarification	20	Birmingham, Bromsgrove, Cannock Chase, East Staffordshire, Lichfield, Malvern Hills, Newcastle, North Warwickshire, Nuneaton & Bedworth, Redditch, Rugby, Shropshire, Solihull, South Staffordshire, Stafford, Stoke-on-Trent, Telford & Wrekin, Walsall, West Midlands, Wolverhampton
10	Concerns about conflict between neighbourhood plans and local plans	15	Birmingham, East Staffordshire, Herefordshire, Lichfield, Malvern Hills, Newcastle, Rugby, Shropshire, Solihull, Stafford, Walsall, West Midlands, Wolverhampton, Worcester, Wychavon
11	Concern about the role of Supplementary Planning Documents	10	Birmingham, Bromsgrove, Cannock Chase, Lichfield, Malvern Hills, Nuneaton & Bedworth, Stoke-on-Trent, Walsall, Wolverhampton, Worcester
12	Fears of a Policy Vacuum	20	Birmingham, Bromsgrove, Coventry, East Staffordshire, Herefordshire, Lichfield, Malvern Hills, Newcastle, North Warwickshire, Nuneaton & Bedworth, Redditch, Rugby, Stafford, Staffordshire Moorlands, Stratford, Telford & Wrekin, Walsall, Wolverhampton, Worcester, Wychavon

11	Challenge of the idea that Planning is an Enemy to Growth	7	East Staffordshire, Lichfield, North Warwickshire, Shropshire, Walsall, West Midlands, Worcester
12	Housing: Is the policy in the draft NPPF challenged?	20	Birmingham, Bromsgrove, Cannock Chase, Coventry, East Staffordshire, Herefordshire, Lichfield, Newcastle, Redditch, Shropshire, South Staffordshire, Stafford, Staffordshire Moorlands, Telford & Wrekin, Walsall, Warwick, West Midlands, Wolverhampton, Worcester, Wychavon
13	Is the 20% Flexibility Allowance challenged?	23	Birmingham, Bromsgrove, Cannock Chase, Coventry, East Staffordshire, Herefordshire, Lichfield, Malvern Hills, North Warwickshire, Nuneaton & Bedworth, Redditch, Rugby, Shropshire, Solihull, South Staffordshire, Stafford, Staffordshire Moorlands, Stratford, Walsall. Warwick, Wolverhampton, Worcester, Wychavon
14	Housing: the interchangeable use of “need” and “demand”.	2	East Staffordshire, Walsall
15	Out of Town Retail: are fears expressed?	5	Birmingham, Nuneaton & Bedworth, Stafford, Staffordshire Moorlands
16	Is the removal of offices from the Town Centres First policy challenged?	17	Bromsgrove, Cannock Chase, Coventry, Newcastle, North Warwickshire, Nuneaton & Bedworth, Redditch, Rugby, South Staffordshire, Stafford, Staffordshire Moorlands, Stoke-on-Trent, Telford & Wrekin, Walsall, West Midlands, Wolverhampton, Worcester
17	Green Belt: Is the new policy generally welcomed or not?	Yes: 11	Bromsgrove, Cannock Chas, Coventry, Malvern Hills, North Warwickshire, South

		No: 6	Staffordshire, Staffordshire Moorlands, Warwick, Wolverhampton, Worcester, Wychavon Birmingham, Lichfield, Rugby, Solihull, Stoke-on-Trent, Walsall
18	Green Belt: If welcomed, are any doubts expressed about this new policy?	7	Bromsgrove, Cannock Chase, North Warwickshire, South Staffordshire, Staffordshire Moorlands, Warwick, Wychavon
19	Is the removal of the brownfield policy challenged?	16	Birmingham, East Staffordshire, Lichfield, Newcastle, North Warwickshire, Nuneaton & Bedworth, Redditch, Rugby, Stafford, Staffordshire Moorlands, Stoke-on-Trent, Walsall, Warwick, West Midlands, Wolverhampton, Worcester
18	Natural Environment/Open Space/Green Infrastructure: Are any concerns expressed?	7	Birmingham, Cannock Chase, Coventry, Telford & Wrekin, Walsall, Wolverhampton, Worcester
19	Employment Land: Is the removal of the policy challenged?	4	Birmingham, Warwick, Wolverhampton, Wychavon
20	Is the removal of the requirement for biodiversity and geological enhancement challenged?	11	Birmingham, Lichfield, Shropshire, Solihull, Staffordshire Moorlands, Stoke-on-Trent, Telford & Wrekin, Walsall, Warwick, Worcester, Wychavon
21	Historic Environment: Is the policy challenged in any way?	16	Bromsgrove, Cannock Chase, Lichfield, North Warwickshire, Nuneaton & Bedworth, Shropshire, Solihull, South Staffordshire, Stafford, Staffordshire Moorlands, Stoke-on-Trent, Telford & Wrekin, Walsall, Warwick, Worcester, Wychavon
22	Transport: Is the new policy challenged?	9	Cannock Chase, Lichfield, Newcastle, South Staffordshire, Stoke-on-Trent, Telford & Wrekin, Walsall, Warwick, Worcester

23	Travellers: Is the new policy challenged?	14	Coventry, Herefordshire, Malvern Hills, Rugby, Shropshire, Solihull, South Staffordshire, Stafford, Stoke-on-Trent, Walsall, West Midlands, Wolverhampton, Worcester, Wychavon
24	Are any doubts or expressed about incorporating the planning guidance on traveller sites into the NPPF?	5	Herefordshire, Walsall, West Midlands, Wolverhampton, Wychavon
25	Is concern expressed about the lack of protection for the undesigned countryside?	1	North Warwickshire
26	Outside Guidance and the Light Touch: are any fears expressed about this?	13	Bromsgrove, Cannock Chase, Coventry, East Staffordshire, Malvern Hills, Nuneaton & Bedworth, Redditch, South Staffordshire, Staffordshire Moorlands, Stoke-on-Trent, Walsall, Warwick, Worcester
27	Duty to Cooperate with Neighbouring Authorities: are any doubts expressed?	14	Birmingham, Bromsgrove, Cannock Chase, Coventry, East Staffordshire, Lichfield, Nuneaton & Bedworth, Redditch, Solihull, South Staffordshire, Stoke-on-Trent, Warwick, West Midlands, Wolverhampton
28	The Duty to Cooperate with Neighbouring Authorities: are fears expressed about the difficulty of cooperating if the plans are at different stages?	4	Redditch, Solihull, Walsall, Warwick
29	The Duty to Cooperate with Neighbouring Authorities: are fears expressed about the difficulty of finding a consensus?	1	Walsall