

**WILTSHIRE COUNCIL, OCTOBER 2011**  
**RESPONSE TO CONSULTATION ON DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

**1. Introduction**

1.1 Wiltshire Council welcomes the Government's overall aim to streamline national planning policy and the opportunity to comment on the draft National Planning Policy Framework. One of the key areas of concern is around the transition to the new Framework and the need to ensure that new policies can be put in place and practice developed to ensure that decision making is not adversely affected. All the policy within the existing guidance/policy and the precedent and practice that has evolved from this cannot be replaced quickly. This could frustrate rather than speeding up the process requiring local planning authorities to put in place general local policy previously covered by national planning policy.

**2. Presumption in favour of sustainable development**

2.1 The emphasis on a planning system that continues to support sustainable development is supported. However, there are concerns regarding the detail within the Framework that could undermine this aim as well as the overall direction of planning policy in terms of the ability for local communities to more positively engage in planning, particularly through the Neighbourhood Planning process.

2.2 The emphasis in paragraph 13 on '*economic growth*' and the '*significant weight*' that should be attached to it undermines the integrated approach to sustainable development which considers environmental, economic and social issues to all be important, as set out in paragraphs 10 and 11.

2.3 A balanced approach to sustainable development is set out in the core planning principles in paragraph 19 that collectively will allow for sound planning decisions to be made and giving the local planning authority, as decision maker, the ability to make appropriate development management decisions on the merits of the case before them. However, the emphasis in paragraph 13 on economic growth would in effect reduce the weight that can be given to the environmental and social factors.

2.4 It should be a matter for local authorities through their plan making to determine how sustainable development should be interpreted for their area through the local plan and the weight to be given to particular priorities consistent with local objectives.

**3. Plan-led System**

3.1 The commitment to the plan-led system in paragraph 14 is welcomed and the implied priority to the need to have up to date plans in place recognised. The requirement that permission should be granted "*where the plan is absent, silent, indeterminate or where relevant policies are out of date*" requires local planning authorities to have their Local Plans (i.e. core strategies) in place to ensure that development is brought forward through the plan-led system. This raises a number of areas for concern, as discussed below.

3.2 Wiltshire Council is taking steps to move forward as quickly as possible with a new Core Strategy for the whole county. However, the ability to make progress has been affected by the changes to the planning system that came into being since the Government came into power, which need to be have responded to in order to prepare a sound plan. It would be unreasonable to undermine the preparation of these plans any further through the presumption in favour of development in the short term that could in effect mean that much of the 'housing' growth planned will have been provided before the plan is adopted. This is a particular issue in Wiltshire, where in the emerging draft Core Strategy (published June 2010) the opportunity of Neighbourhood Plans was embraced as the right mechanism by which non-strategic sites should be brought forward within the county. Such sites once identified will contribute towards the five-year land supply in an area. Not only does this fit within the spirit of the Localism agenda, it also enables the Core Strategy to be strategic in nature and allow local communities to be fully involved in ensuring that the future development of settlements will genuinely meet their needs including the delivery local infrastructure. Transitional arrangements are therefore required to ensure the plan-led system will not be undermined and weight can be given to an emerging plan. Given the expectations behind Neighbourhood Plans, transitional arrangements

should also apply to these plans where they are positively planning for development so that they are not undermined by speculative developments seeking to subvert the process.

- 3.3 The presumption in favour and lack of transitional arrangements (i.e. potential for opportunistic development) would impact on the ability to use Community Infrastructure Levy (CIL) as a mechanism to mitigate the impact of and growth and to allow a meaningful proportion to go to local communities to decide how it is spent. Given the need to base CIL on a sound evidence base, the earliest any local planning authority would be able to bring in CIL is through a joint examination alongside their core strategy.
- 3.4 Emerging Core Strategies are being prepared on the basis that they provide a positive framework for development. The term 'silent' is a considerable step away from the existing planning system and is unnecessary. The implication is that plans will need to cover every eventuality of where development should not take place, this will add an unnecessary burden to the process and add no value. This will also work against the principle of having more succinct plans that can be put in place relatively quickly.
- 3.5 Supplementary Planning Documents (SPDs) have usefully been used to provide more detailed guidance on strategic planning policies (e.g. the application of affordable housing policy). The reference in paragraph 21 to the limited circumstances when SPD should be brought forward is a concern. The reference to not placing burdens on development appears to be coming from the developer's perspective rather than the need to find an appropriate balance and plan properly for an area.
- 3.6 The statement 'only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan' (paragraph 22) would benefit from clarification to acknowledge that it will be the policies in the plan as a whole that will help provide that clear indication, although it is debatable whether there will be absolute clarity in every case.
- 3.7 The flexibility in the second bullet point in paragraph 24 is welcomed, as this allows plans to 2026 currently being prepared to not adjust their end dates.
- 3.8 The ability to seek a certificate of conformity is useful, although it is not clear how this will work in practice. This needs to be considered further in light of the need for transitional arrangements in order to ensure that generally sound plans are not delayed further in their preparation.
- 3.9 Paragraphs 28 and 109 appear to place an over reliance on the need to meet the 'full requirements' for housing in a Housing Market Area (HMA) based on meeting household and population projections. This could result in the perpetuation of past trends rather than a policy led approach to planning based on the full evidence base that would ensure that sustainable growth is achieved in an area. Similar to the approach for business requirements (paragraph 30), local planning authorities should be able to use the evidence base to assess what an appropriate housing requirement should be for their area. Strategic Housing Market Assessments are only one part of the evidence and consideration also needs to be given to factors such as economic potential and the propensity to exacerbate unsustainable commuting patterns in determining appropriate levels of housing for an area. This is particularly important where HMAs overlap.
- 3.10 The section on ensuring viability and deliverability (paragraphs 39 to 43) together with the presumption in favour of sustainable development could undermine the ability to deliver both the affordable homes requirement and infrastructure needs of an area, and appears to come from the developer's perspective. While the need for landowners to achieve a reasonable return is recognised, a balance is needed between providing incentives to landowners to bring forward land and achieving the level of infrastructure and affordable housing that an area needs, without which resilient communities will not be created.

#### **4. Planning strategically across local boundaries**

- 4.1 The references within the Framework to the duty to cooperate on cross boundary' planning issues and to effective joint working are welcomed, generally reflecting current practice. It also needs to be

acknowledged that consensus may not be possible and further consideration should be given to this. More emphasis could be placed on the role of the Local Enterprise Partnerships.

## 5. **Neighbourhood Plans**

- 5.1 Second bullet of paragraph 49 would benefit from clarification so that it is clear that in setting policies these will need to be in conformity with the strategic policies of the Local Plan and the NPPF. As drafted, it could be read in isolation. There is a lot of confusion at the moment about what Neighbourhood Planning is and it is important that the statements within the NPPF are clear and unambiguous. Perhaps a cross reference to paragraph 52 could be given.
- 5.2 In paragraph 49 it is unclear what the wording “To facilitate this, local planning authorities should set out clearly their strategic policies for the area” is referring to. If Local Plans are prepared correctly then the strategic policies should be clear. This seems like an unnecessary level of detail or an additional burden on a local planning authority.
- 5.3 The statement in paragraph 51 “When a neighbourhood plan is made the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict” is potentially confusing. Without clarification in paragraph 50 that neighbourhoods will not have the power to promote less development than that set out in the strategic policies communities could read this to mean that they can use neighbourhood plans to stop growth.

## 6. **Protection of Employment Land**

- 6.1 The policy approach regarding the long-term protection of employment land or floorspace (paragraph 75) would frustrate the proper planning of an area. It is essential that sites can be safeguarded to facilitate the start up and expansion of local business as well as attract inward investment. This safeguarding is necessary in the longer term, particularly where local plans provide a strategic framework over a 15-year period during which short term fluctuations in market conditions could occur.
- 6.2 The reference to ‘market signals’, such as the price of land, is open to abuse and could seriously undermine the local economy where business uses are in effect in competition with other potentially more lucrative land uses, particularly housing.

## 7. **Transport**

- 7.1 The approach to transport in the Framework would benefit from some improvement and clarification to ensure delivery of sustainable development. The detailed concerns are set out below.
- 7.2 While the overall aim of the document is to support sustainable transport and good accessibility in that it uses phrases like “[land] in the right places” (paragraph 10), “accessible local services” (paragraph 10) and “the fullest use of public transport, walking and cycling” (paragraph 19), the caveats of “where practical” (paragraphs 83, 89 and 92) and “where reasonable” (paragraph 83) in the Transport section are likely to undermine this aim when development is actually being considered.
- 7.3 The terms “where practical” and “where reasonable to do so” should be removed from paragraph 83. Encouragement for sustainable transport solutions should be given in all cases and development that doesn’t facilitate sustainable travel should be seen as the exception. Given this, it is suggested that the second sentence is amended to the following: “The presumption, therefore, is that the planning system should support a pattern of development which facilitates the use of sustainable modes of transport”.
- 7.4 As suggested in paragraph 82, transport has an important role to play in contributing to “wider sustainability and health objectives”. However, these are not represented in the objectives currently presented in paragraph 84. It is suggested, therefore, that the two existing objectives are termed ‘key objectives’ and that other objectives relating to health, air quality, road safety, inequality and the local environment are also included.
- 7.5 The role of Local Enterprise Partnerships Transport Consortia could usefully be mentioned in

paragraph 85.

- 7.6 The use of the term “significant” in paragraph 86 in relation to both Transport Statements and Transport Assessments is a watering down of current guidance which states that Transport Statements are still required for development that have relatively small transport implications; this diminution in the strength of the guidance will lead to many planning applications being presented without any supporting transport evidence. Given this, it is suggested that the first sentence is changed to the following: “All developments that generate traffic and transport movements should be supported by a Transport Statement or Transport Assessment as determined by local criteria”. While it is accepted that the criteria triggering a Transport Statement or Transport Assessment could be determined locally, it is hoped that the national guidance will remain in place to aid consistency and efficiency.
- 7.7 Bullet point one of paragraph 89 should be expanded to: “accommodate the sustainable, safe and efficient delivery of goods and supplies”. While the priority given to pedestrian and cycle movements is welcome in bullet point two, developments also need to be designed to be bus friendly.
- 7.8 Transport Assessments should be viewed as the key tool here as they cover a number of relevant factors including the use of Travel Plans. The use of the term “severe” in the second sentence of the third bullet point in paragraph 90 sets a very high bar for transport objections to planning applications and suggests that, combined with the last part of this sentence, adverse transport impacts should be ignored to achieve development growth. This does not relate well to the need for sustainable development advocated in other parts of the document. Moreover, it ignores that fact that developments with adverse transport impacts can cumulatively have very significant transport implications over time.
- 7.9 It is assumed that paragraph 93 is referring to ‘parking standards’ as this is not explicit in the existing text. While the flexibility in setting standards is welcome, it would be helpful if it could be made clear here that parking standards should not aim to restrict car ownership but should be aimed at encouraging a reduced reliance on the use of the private car. In practice, this might mean that higher standards are applied to residential developments (especially in less accessible locations) and lower standards to non-residential developments (especially in accessible locations). The lack of any reference to the use of parking policies to, for example, support the vitality of town centres and encourage the use of sustainable transport choices, is a serious omission. The use of locally appropriate parking policies will be essential if the framework’s overall aim of sustainable development is to be achieved; however, these policies will not be included in local development plans if the overall policy position is not there at the national level. Finally, it is unclear what “an overall need to reduce the use of high-emission vehicles” means in reality.
- 7.10 Paragraph 94 could be strengthened by including more specific guidance on the use of land in and around highly accessible sites such as rail stations (as set out in paragraph 21 of PPG13 ‘Transport’).
8. **Housing**
- 8.1 The requirement in the second bullet point of paragraph 109 to provide for 20% more than the five-year deliverable housing requirement will have implications for the progression of existing Core Strategies leading to unnecessary delay. The footnote that defines deliverable and refers to viability as “providing acceptable returns to a willing landowner” is ambiguous and open to abuse, potentially putting at risk the ability to deliver sustainable solutions on sites if a poor investment decisions have been made by landowners. This needs deleting or clarifying further.
- 8.2 Assessment of five year land supply at appeal is currently subjected to a forensic approach to the deliverability of sites, for which local authorities are reliant on information from the development industry and to a degree their will to bring sites forward in a given timeframe. The additional 20% can be welcomed if it is to form a buffer that will in effect negate the need for such scrutiny and place some trust back into the local planning authority where reasonable judgements are being made.
- 8.3 Permitting planning permissions where five-year supply of housing land cannot be demonstrated could undermine the strategy for an area, which seeks a particular pattern of growth in the interests of

sustainable development. Increased emphasis should be given to proposals not undermining the strategy for an area where there is no demonstrable five-year supply.

- 8.4 The ability to cross subsidise affordable housing with market housing, as referred to in paragraph 112, on exception sites in rural areas is welcomed. With the reduction of capital grant funding nationally it is essential that there is flexibility within the planning system to generate other opportunities to enable delivery. It will be important that this is seen as exception sites only in order to not raise expectations for higher land values, which comes with a presumption in favour of development, thus negating the ability to secure such benefits.

## 9. **Design**

- 9.1 Emphasis on high quality of design is welcomed. It will be important that the implementation of this part of the Framework carries weight in its own right and that the Inspectorate and Secretary of State support local authorities where development is refused on the basis of design.

- 9.2 Paragraph 122 does not go far enough as drafted and while proposals may be able to demonstrate community engagement in developing the design of new development there should be a qualitative aspect to this so that engagement is meaningful and the outcome positive.

## 10. **Historic Environment**

- 10.1 The Framework does not recognise the desirability of new developments making a positive contribution to the character and local distinctiveness of the historic environment. The emphasis appears to be on conservation and should refer to enhancement also. In addition, the positive role of historic environments and its public benefit require greater recognition and clarification needed regarding non-designated heritage assets.

- 10.2 In the absence of PPS5 and Practice Guidance, the onus is on local authorities to prepare their own strategies for the historic environment. This will place an additional burden on local authorities and until these are prepared would weaken the conservation of the historic environment.

## 11. **Open space, sports and recreational facilities**

- 11.1 The Framework should promote the need for a strong evidence base prepared by the local authority to underpin the development of local policy regarding green infrastructure and planning for open space, sports and recreation facilities. This should form the basis for decision making where proposals relate to the reuse of these types of sites. The assessment referred to in paragraph 129 should relate to this evidence base.