

EXETER CITY COUNCIL

EXECUTIVE
4 OCTOBER 2011

CONSULTATION ON NATIONAL PLANNING POLICY FRAMEWORK

1 PURPOSE OF REPORT

- 1.1 To provide Members with an overview of the draft National Planning Policy Framework and to illicit Member response to the general principles underlying the document so as to enable officers to prepare a detailed response to the consultation by 17 October.

2 BACKGROUND

- 2.1 The Government have had a consistent desire to simplify the planning process going back so far as the Conservative Party "Open Source Planning" document published in February 2010. On 25 July 2011 a draft National Planning Policy Framework (NPPF) was published for consultation. The aim of this document is to replace the present national planning guidance contained in twenty five Planning Policy Statements and some older Planning Policy Guidance Notes and a number of Circulars with one all encompassing single document, the NPPF.
- 2.2 Whilst few within or indeed outside the planning profession would see the simplification of the planning process as anything other than a laudable aim, the reduction of nearly a million words of present guidance into one document of just over 16,000 words, represents a challenging ideal. It would be wrong however to merely see the NPPF as an editorial exercise the NPPF brings forward some substantial changes in emphasis and direction for planning and also seeks to introduce some new concepts.

3 KEY CONCEPTS

- 3.1 At the heart of the NPPF is a presumption in favour of **sustainable development**. This concept has of course underpinned much of planning in recent years and has generally attracted much support as a central tenet of the planning process. In the desire to bring about "Positive Growth" however the NPPF takes the concept further than exists at present and charges the planning system to adopt a presumption in favour of sustainable development as underpinning plans, policies and decisions. The introduction to the NPPF says that "sustainable development should go ahead without delay".
- 3.2 Where local authorities do not have up to date planning policies and documents the presumption in favour of sustainable development will make it difficult for authorities to refuse any planning application for such development. Exeter will hopefully shortly have an adopted Core Strategy so will be able to adopt a "plan led" approach to sustainable development and, in any event, the authority is largely a pro-growth Council seeking to ensure the prosperity and well being of the sub region by maximising sustainable development. This shift in emphasis in the NPPF should have little impact therefore within the City.
- 3.3 The Government have consistently maintained that the planning system had become too centralised and "top" down. **Decentralisation** therefore is one of the central themes of the NPPF. The revocation of the regional planning system has

already been well trailed with the expected revocation of Regional Strategies following the enactment of the Localism Bill. The NPPF seeks to take further forward the concept of **Neighbourhood Planning** whereby local communities are able to draw up Neighbourhood Plans and Development Orders to have a say in the development of their local areas. Such plans produced at very local levels could cumulatively have a significant impact on both the workload and stance of local authorities towards their communities. Initially at least it appears that it is authorities with Parish and Town Councils who are experiencing the greatest interest in neighbourhood planning but in the City St James Forum have expressed the avowed intention to produce a Neighbourhood Plan and have been awarded “Front Runner” status and funding from DCLG. The St James exercise will provide a useful test bed for the City Council to refine its work and policies in connection with such local initiatives.

- 3.4 The likely removal of the regional planning system will place greater emphasis on adjoining local authorities working together to solve sub regional planning problems. This sort of working is of particular importance to an authority such as Exeter where much of the future prosperity and growth associated with the City will take place on land within East Devon or Teignbridge. The NPPF seeks to replace regional planning with a general **Duty to Cooperate** being placed on authorities to work “constructively, actively and on an ongoing basis in the planning process”. The establishment of a meaningful structure for sub regional planning both in terms of a political structure and a day to day working structure is perhaps the greatest strategic planning challenge faced by the City Council. The Growth Point Structure and the emerging Local Enterprise Partnership provide useful practical foundations to establish such cooperative working.
- 3.5 **Increasing the delivery of new housing** is said to be one of the key objectives of the Government and of the NPPF. Local Authorities are held to be the most able to judge their individual housing needs and demands yet the NPPF seeks to impose an arbitrary requirement that local authorities should now be able to show 5 years housing land supply plus 20% additional capacity. Such an artificial target may have utility in districts with large amounts of land allowing for alternative strategies, but in a tight urban area such as Exeter where all the suitable land is allocated for development, the concept of a 5 year supply is unhelpful where the real problem centres on delivery rather than land supply.
- 3.6 **Viability** is a central theme of the NPPF and the Government is keen to ensure that any burdens placed on developers such as the provision of affordable housing, sustainable construction methods or achievement of low carbon targets, should be of such a scale so as not to threaten the viability of development schemes. The Core Strategy has been amended to place the concepts of viability and feasibility at the centre of policies requiring contributions or actions from developers so, in practice, this concept should present no problem for the City Council. However it is likely to mean long and protracted debate over individual planning applications and schemes with the local authority and applicants each having their own idea as to what is viable. Such arguments could have implications for staff resources and expertise. Viability issues will also be central to the calculation of the appropriate level of Community Infrastructure Levy (CIL) which the Council are hoping to introduce shortly.

- 3.7 Environmental considerations such as **renewable energy, protection of green areas** and the **natural environment and protection of habitats** are also considered important issues in the NPPF. Once again such issues are at the forefront of Core Strategy policies so present little new in the Exeter context. The need to deal with the issue of appropriate assessments and the protection of “European Sites” such as the Exe Estuary, stills remains to be settled by the three authorities in the sub region and the sort of protection the NPPF proposes to extend to other types of important parts of the natural environment.

4 PLANNING GUARANTEES

- 4.1 Although not part of the NPPF, the Planning Minister Greg Clarke, announced at the same time the draft NPPF was published a proposed Planning Guarantee System. This system would mean that no planning application should take longer than 12 months to determine (including any appeal) and the public would be able to see how their local authority are performing by the local authority publishing information probably on a quarterly basis. It also seems likely that central government will publish a regular “league table” of local planning authority performance. Further detail and consultation is proposed on the planning guarantee system in the autumn.
- 4.2 The speeding up and simplification of the planning system is to be welcomed by all but much of the present delay in processing applications relates to central government imposition of ever increasing consultation and validation procedures. If the Planning Guarantee System is to be meaningful Government needs to address these centrally imposed requirements. Similarly the recent move away from the submission of long and complex returns to central government could be meaningless if it is replaced by overly complex reports made on performance in each quarter. The detailed consultation in the Autumn will hopefully address these issues.

5 THE NPPF DEBATE

- 5.1 The draft NPPF has attracted support and opposition in almost equal measure. The development and property industry generally welcome the publication whilst conservation groups most notably the National Trust have vehemently opposed the document seeing it as a licence to build over large parts of the countryside including green belts.
- 5.2 As with much of the present proposed planning legislation the NPPF is as interesting for what it does not say as for what it does. The planning profession generally have given it a cautious welcome but really want to see greater detail on the transitional phase between the present and future system. The major concern of the profession is the continued absence of any effective regional planning system and a general concern that the “Duty to Cooperate” will do little to bring about effective strategic planning.
- 5.3 In the context of the tight urban area of Exeter City, and an authority relatively well advanced with its forward planning, the impact in the short term of the NPPF will be minimal (Appendix A shows a detailed breakdown prepared for the Examination of NPPF policies set against the Core Strategy policies). The longer term impact is difficult to judge given the relative paucity of detail.

6 CONCLUSION

- 6.1 Planning Member Working Group considered this report at their meeting on 20 September and expressed concern that the NPPF should link in closely with the provisions outlined in the recent Natural Environment White Paper published by DEFRA and that the NPPF generally should have more to say on the protection of green spaces. Members expressed concern that in a tight urban area such as Exeter the calculation and need to show an improved five year land supply was not a workable concept; and Members also felt that the Framework could be more explicit as to how it saw the “Duty to Cooperate” working in practice.
- 6.2 The consultation process accompanying the draft Framework is not particularly sophisticated merely asking on a sliding scale how much agreement or disagreement each consultee has with the key concepts. It would be helpful therefore if Members have strong reservations or endorsements for or against any of the key concepts, to add to those expressed by the Planning Member Working Group, they could let officers know so that a considered response can be submitted on behalf of the City Council by the 17 October deadline.

7 RECOMMENDATION

- 7.1 Executive is recommended to endorse a proposed response to DCLG based upon this report and the concerns expressed by Planning Member Working Group.

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