



APPENDIX 1

AGENDA ITEM: 9.

CABINET: 13 September 2011

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
29 September 2011**

**PLANNING COMMITTEE:
6 October 2011**

Report of: Director of Transformation

Relevant Head of Service: Borough Planner

Relevant Portfolio Holder: Councillor M Forshaw

Contact for further information: Mr P Richards (Extn. 5046)
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SUBJECT: DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To inform Cabinet of the draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and to seek approval for the draft response officers have prepared on behalf of the Council to the consultation on the draft NPPF.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the proposed responses to the Consultation Questions set out in Appendix A and B to the report be approved for submission to CLG along with a covering letter setting out the Council's general support of the draft NPPF subject to particular aspects of concern within the document.

2.2 That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, to prepare a covering letter to CLG to reflect the content of the report, together with any further comments considered suitable for inclusion by Cabinet, and following consideration of any agreed comments from the Executive Overview & Scrutiny Committee and Planning Committee.

2.3 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

3.1 That the content of this report and the draft NPPF be considered and that agreed comments be referred to the Borough Planner.

4.0 RECOMMENDATIONS TO PLANNING COMMITTEE

4.1 That the content of this report and the draft NPPF be considered and that agreed comments be referred to the Borough Planner.

5.0 BACKGROUND

5.1 The Coalition Government have stated their intention to reform the national level of planning policy for quite some time and the draft National Planning Policy Framework (NPPF) is their proposed way forward in this reform. The Government's central intention in undertaking this reform is to replace the large number of separate National Planning Policy Statements (PPS's) with a single document that covers all the essential policy provided by the existing PPS's in a much simpler, easier to understand way. The draft NPPF condenses over 1,000 pages of existing national planning policy into 50 pages.

5.2 The draft NPPF emerges in the context of a clear intention of the Government to revoke Regional Strategies, introduce Neighbourhood Plans and make other changes to Local Planning Regulations through the Localism Bill. These changes include stripping out the terminology of the Local Development Framework (LDF) system currently in place to move towards a single Local Plan document in order to make local planning more accessible to the public and local communities.

5.3 The government department for Communities and Local Government (CLG) have invited consultation responses from Local Authorities and other organisations and individuals by 17 October 2011.

6.0 PROPOSALS AND IMPLICATIONS OF THE DRAFT NPPF

6.1 The draft NPPF is a document that, overall, should be supported and welcomed. Once finalised, it will simplify national planning policy and make it more accessible and understood by the public, it will promote economic growth in a sustainable manner and will encourage local authorities to prepare up-to-date local planning policy, just as West Lancashire are already working towards. Each part of the draft NPPF should be broadly supported as it proposes a positive approach to planning for and managing development but, ultimately, there are a few matters of detail within some parts of the document that could be improved or strengthened.

- 6.2 The remainder of this section focuses on the proposals and implications of the key parts of the document and those parts of the document where certain matters of detail could be improved.

The simplification of national planning policy

- 6.3 In simplifying national planning policy to a single, 50-page document, there is potential for both positive and negative implications. Positively, the draft NPPF is very easy to read and understand and does draw together the key planning principles and policies currently set out in existing national planning policy in a succinct form. However, there is a risk that in simplifying national policy so drastically, key policy and guidance may be lost, policy that Local Authorities currently rely on heavily in making planning decisions.
- 6.4 Having said that, the draft NPPF does appear to have included much of the essential national policy currently used by Local Authorities and CLG are discussing whether other aspects of national planning policy guidance can be taken forward by non-Governmental organisations, so this aspect of the draft NPPF should be broadly supported and CLG should be encouraged to outline in more detail what additional guidance will be made available, be it provided by CLG themselves, other government departments or other organisations outside of government.

The presumption in favour of sustainable development

- 6.5 The key principle running through the whole of the draft NPPF, and that the document says should run through all other planning documents and planning decisions, is that of sustainable development, and this is especially defined through the “presumption in favour of sustainable development”, which will ensure “*that the planning system does everything it can to support sustainable economic growth*” (para 13, p.3, draft NPPF).
- 6.6 Sustainable development has been the key theme in national planning policy for many years and a presumption in favour of sustainable development has equally been applied as a key principle in assessing development proposals. Therefore, the draft NPPF should be supported for continuing this key theme.
- 6.7 The definition used in the opening paragraph of the chapter on delivering sustainable development is a widely accepted definition from the Brundtland Commission 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. (para 9, p.3, draft NPPF)

- 6.8 If this definition is applied when considering the “presumption in favour of sustainable development” and throughout the rest of the NPPF there will be reasonable scope for particular local circumstances to influence planning decisions. There is a concern however the document does not clearly state

that this is the case and this lack of clarity could unintentionally encourage the submission of proposals for development in inappropriate locations.

- 6.9 An additional concern relating to the “presumption in favour of sustainable development” comes as a result of the 3rd bullet point in paragraph 14 of the draft NPPF, which states:

Local planning authorities should ... grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date. (para 14, p.4, draft NPPF)

- 6.10 The draft NPPF goes on to partially qualify this statement to the effect that this would only be the case where the development proposals are sustainable, i.e. in line with the NPPF. However, given the light touch approach to policy that the draft NPPF proposes and the concern that the definition of sustainable development is unclear and potentially open to misinterpretation, there remains a possibility that inappropriate development will be considered as being in accordance with the NPPF with no regard had for particular local circumstances.
- 6.11 Such a situation may arise where a new Local Plan has not yet been prepared and where existing policies are considered out of date or are silent on a particular issue. In this instance, permission may have to be granted for a development proposal that the Council would not otherwise wish to grant permission for due to specific local circumstances simply because it is perceived to meet the requirements of the NPPF. I don't believe this is an intended consequence of the draft NPPF and it is therefore critical to request that CLG amend the document to provide a clear and consistently applied definition of sustainable development in the NPPF.

Development Management

- 6.12 The draft NPPF encourages a Development Management approach in dealing with development proposals, especially with regard to the use of pre-application advice. The Council have already begun to embrace this approach and pre-application advice in particular and as a consequence this aspect of the draft NPPF is welcomed.

Changes to plan-making

- 6.13 The draft NPPF, without explicitly saying so, clearly marks a move away from the existing Local Development Framework (LDF) system for local planning policy. The terms LDF and Core Strategy are not used at all in the document and, instead, the term “Local Plan” is re-introduced to local planning terminology. It can also be inferred through the draft NPPF that this Local Plan should, ideally, be a single document.

Each local planning authority should produce a Local Plan for its area. ... Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help bring

forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development. (para 21, p.7, draft NPPF)

- 6.14 A Local Plan will provide virtually all the policy content that an LDF would have done, will still have a spatial focus, will still require a “proportionate” evidence base to justify it and will cover the same period as an LDF (15 years). However, there is a clear emphasis on promoting sustainable development and on the fact that the Local Plan is purely a document to guide development and guide decisions on development proposals, although they should reflect the vision and aspirations of the local communities.
- 6.15 The draft NPPF is explicit that up-to-date Local Plans that are consistent with the NPPF should be in place as soon as is practical and that, in the absence of such an up-to-date Local Plan, applications will be determined in accordance with the NPPF and its “presumption in favour of sustainable development”.
- 6.16 In the long-term, it can clearly be seen that there are some real benefits to moving back towards a single Local Plan for an area, especially as its lack of complexity will help communities and local people access and understand more easily planning policy.
- 6.17 However, in the short-term it is unclear quite what the Government is expecting Local Planning Authorities to do as we move into an era of Local Plans. All information to-date from CLG has been to carry on in preparing Core Strategies, yet these are not mentioned in the draft NPPF. West Lancashire’s Core Strategy is currently at a critical stage, and so any implications of the NPPF for plan-making must be considered carefully at this time.
- 6.18 Advice that council officers have received on this matter from the Planning Officer’s Society indicates that the Council should proceed with the Core Strategy and that this will be considered acceptable as an up-to-date Local Plan policy if it is ultimately found sound. In light of this, it is also logical that the Council will be able to proceed with other planned DPDs to complete the full set of local planning policy and that, when considered together, the Core Strategy and other DPDs will be given the same status a new Local Plan.
- 6.19 Therefore, it is not expected that the Council would be required to immediately begin preparation of a Local Plan that is strictly in accordance with the NPPF upon the formal adoption of the NPPF but confirmation of this from CLG would be welcomed in light of the clear shift in the draft NPPF from an LDF system to a Local Plan system.
- 6.20 There are two other significant changes to plan-making that the draft NPPF proposes. Firstly, changes to the tests of soundness against which a Local Plan will be examined by an Inspector. The effect of the changes proposed are that Local Plans should be “positively prepared”, essentially requiring plans to deliver as much sustainable development as possible and not artificially limit development, and that the need to prove the plan is “effective”

has become stronger with the need to demonstrate that the plan is viable and deliverable all the more important. In particular, ensuring the flexibility of Local Plans to respond to changing circumstances is a message that comes through regularly in the draft NPPF.

- 6.21 Secondly, the draft NPPF establishes a “duty to cooperate” for public bodies on planning issues that cross administrative boundaries. In particular, this “duty” will mean that:

Local planning authorities will be expected to demonstrate evidence of having successfully cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. (para 46, p.12, draft NPPF)

- 6.22 While West Lancashire BC has worked well and closely with neighbouring authorities on cross-boundary issues, nothing has thus far been prepared that is as formal as the suggestions put forward in paragraph 46 of the draft NPPF. It is assumed that this requirement will not be stringently applied to Core Strategies already in preparation as it would create difficulties and possible delay in relation to those Core Strategies that are significantly advanced such as ours..
- 6.23 Ultimately, while the “duty to cooperate” is clearly a positive proposition, the practicality of putting it into effect as formally as the draft NPPF proposes may be difficult in the short-term, and perhaps the long-term, given the different agendas that different authorities and public bodies have at times. Nevertheless it provides the essential framework for such co-operation.
- 6.24 It should also be noted that Neighbourhood Plans are discussed in the Plan-Making section of the draft NPPF and, generally, there is nothing new discussed in relation to these. The only new consideration is that, when a Neighbourhood Plan is adopted after a Local Plan has been adopted, it will “*take precedence over the existing policies in the Local Plan for that neighbourhood, where they are in conflict.*” (para 51, p.13, draft NPPF).
- 6.25 On the surface this is quite significant, but given that a Neighbourhood Plan should be in general conformity with the strategic policies of a Local Plan when it is prepared and can only propose more development than the Local Plan in a given neighbourhood, there should not be any incidences of a Neighbourhood Plan being in conflict with a Local Plan.
- 6.26 The draft NPPF sets out a range of topic areas that Local Plans should address and these are reflected in the rest of the draft NPPF itself. The rest of this section of this cabinet report covers some of those topic areas where they are most pertinent to West Lancashire or where the proposals within the draft NPPF may cause some concern.

Business and economic development

6.27 The draft NPPF's objectives for achieving sustainable economic growth are to:

- plan proactively to meet the development needs of business and support an economy fit for the 21st century;
- promote the vitality and viability of town centres, and meet the needs of consumers for high quality and accessible retail services; and
- raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies.

6.28 The policies within this section of the draft NPPF are, as expected, rightly encouraging economic growth and, in the main, taking forward the key principles that are already in national planning policy. As such they should be supported. The only concerns officers have with detailed matters in the policies are as follows:

- The draft NPPF's encouragement for planning policies to "avoid the long term protection of employment land or floorspace". Depending on how this is interpreted, valuable employment land could be lost to other land uses, and this loss of employment land may ultimately be detrimental to the long-term recovery and prosperity of the local economy.
- In general, the policies on supporting economic development and the promotion of the vitality and viability of town centres are possibly not detailed enough, which could lead to different approaches being used in different parts of the country, leading to uncertainty for developers.

Transport

6.29 Officers' general consideration of the transport policies in the draft NPPF are that they could be strengthened, given that it is such a crucial area of infrastructure, and could be made more directly applicable to the level that most local planning authorities will be working at.

6.30 More specifically, there are several statements in this section of the draft NPPF which officers' feel would benefit from further review:

- The objective to "facilitate economic growth by taking a positive approach to planning for development" (para 84, p.21, draft NPPF) – the word "development" should be replaced by "improvements to sustainable transport infrastructure" – improved sustainable transport infrastructure will facilitate economic growth, but new development will not necessarily deliver improved sustainable transport infrastructure.
- The 3rd bullet point of paragraph 86 could be interpreted as putting delivery of homes and economic development above the need to

ensure such development has access to sustainable transport infrastructure and does not undermine highway safety – the NPPF would benefit from defining what residual impacts would be considered severe by the Government.

Housing

- 6.31 The housing policies in the draft NPPF should be generally supported, but they do, like other topic areas, suffer a little from the removal of detail that was previously in PPS3. However, overall this does not harm the policies. Such removal of detail includes the removal of targets for developing on brownfield land, the removal of a national minimum density (previously removed by the Government from PPS3), the removal of a national minimum threshold at which affordable housing would be required as part of a housing development and the removal of the rural exception sites policy.
- 6.32 The housing policies are relatively prescriptive, though, as to what action local planning authorities should take to increase the supply of housing and deliver a wide choice of homes, some of which is quite onerous and would benefit from some clarification. One aspect of this relates to the 5 year housing land supply that local planning authorities should maintain.
- 6.33 The draft NPPF requires that authorities should now identify an extra 20% on top of this 5 year supply (i.e. they should identify a 6-year supply) to ensure choice and competition for land. Officers do not disagree with the concept of having a 5-year supply, or even a 20% buffer on top of this, but paragraph 110 of the draft NPPF states that *“Planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites”* (para 110, p.31, draft NPPF).
- 6.34 This policy is significantly stricter than that previously found in PPS3 (paragraphs 69-71), which still allowed other considerations to be taken into account even if the authority did not have a 5-year supply, and has potentially negative implications for a rural Borough such as West Lancashire.
- 6.35 Currently, despite the implementation of a more relaxed housing policy the Council does not have a 5-year supply. This is primarily due to the economic recession which has slowed down development activity and impacted upon the viability of some sites which have planning permission. If the draft NPPF were to come into effect now we would be unable to refuse permission for any housing developments except where they clearly contravened another aspect of the NPPF, such as the Green Belt. This is a highly significant concern given the constraints we have in the Borough, especially in relation to infrastructure and our rural environment.
- 6.36 It is the view of officers that the proposed sanctions set out in the draft NPPF for not having a 5-year supply need to be reviewed in order to avoid the unintentional consequence of development, not supported by the local community, occurring in inappropriate locations within the Borough. Officers

would merely suggest that the document draw more closely from the advice currently contained PPS3

- 6.37 In addition,, advice that officers have seen from the Planning Inspector at the Examination in Public for the Central Lancashire Joint Core Strategy suggests that the extra 20% buffer should equally apply to the whole target being set for a 15-year period in a Local Plan. If this is the case, it would be a significant target for rural boroughs such as West Lancashire to meet and may ultimately necessitate greater release of Green Belt land. Clarity on this matter is therefore critical..
- 6.38 A final matter of interest that the housing policies in the draft NPPF also cover is the encouragement of authorities to be responsive to local circumstances in rural areas, providing the example that if affordable housing is required, but is unviable on its own, authorities should consider allowing some market housing to facilitate the delivery of the affordable housing.

Green Belt

- 6.39 The policies on Green Belt in the draft NPPF are not that dissimilar to that which currently exists in PPG2, although, inevitably, some of the detail is lost in the summarisation of the PPG into the NPPF. Whether this loss of detail ultimately reduces the strength of Green Belt when it comes to the finer points of applying the policy in a legal situation, only time will tell as Inspectors and the Courts make decisions interpreting the proposed policies. However, the policies proposed in the draft NPPF should be supported.
- 6.40 Other points of consideration in the Green Belt policies, which are not changes to national policy but are relevant to the current situation West Lancashire faces, include the following:
- Changing Green Belt boundaries – the draft NPPF states that Green Belt boundaries should only be altered in exceptional circumstances other than when preparing a Local Plan and that in amending them when preparing the Local Plan *“should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period”* (para 138, p.39) and *“where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”* (para 140, p.39).
 - Renewable Energy Projects – paragraph 146 reiterates that *“many renewable energy projects will comprise inappropriate development”* but that the very special circumstances that are required to be demonstrated for such developments in the Green Belt *“may include the wider environmental benefits associated with increased production of energy from renewable sources”*.

Climate Change, Flooding and Coastal Change

- 6.41 The draft NPPF's policies on climate change, flooding and coastal change reiterate much of what is in existing national planning policy plus that which was proposed in a draft supplement to existing PPS's that was never adopted, and should be supported. They will, however, need to be supported by some form of national guidance given the wealth of useful, technical guidance that lies within the existing PPS's on these emerging topics.
- 6.42 The key areas of relevance to West Lancashire mainly relate to low-carbon energy developments and building sustainably:
- Paragraph 151 – *“Local planning authorities should not refuse planning permission for well-designed buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape unless the concern relates to a designated heritage asset”*.
 - Paragraphs 152 and 153 – the draft NPPF strongly promotes renewable and low-carbon energy, requiring that authorities seek to maximise this type of development and apply a presumption in favour of such sustainable development when determining planning applications.

Other topics

- 6.43 The draft NPPF also cover policies on communications infrastructure, minerals, design, sustainable communities, the natural environment and the historic environment but these policies either reflect limited change to the existing national planning policies or are not contentious in their impact upon West Lancashire and so have not been commented upon here.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 While the draft NPPF clearly sets out a mandate for sustainable development, and this will see such development quickly granted planning permission and strong support for improvements to local services and infrastructure, there is concern that the way that the “presumption in favour of sustainable development” is worded in the draft NPPF could lead to unwanted and unsustainable development being allowed without full consideration of local circumstances.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There may be financial and resource implications of the change in plan-making from the existing Local Development Framework (LDF) system back to a single Local Plan. However, it is anticipated that the Council should be able to proceed with the Core Strategy and other DPDs and that these will be acceptable as up-to-date local planning policy despite the change to a Local Plan system. If this is the case, minimal extra resource will be required to

take account of how the NPPF will affect the preparation of the Core Strategy and other DPDs.

- 7.2 The draft NPPF does encourage a Development Management approach in dealing with development proposals, especially with regard to the use of pre-application advice, which the Council have recently begun charging for, thereby encouraging a process which will generate a new income for the Council.

8.0 RISK ASSESSMENT

- 8.1 The changes proposed to national planning policy in the draft NPPF and the resultant change in plan-making could lead to a series of events whereby the adoption of a new Local Plan or the existing equivalent document (the Core Strategy) is delayed, resulting in an absence of local planning policy.
- 8.2 This, in turn, would result in any development which is seen to fulfil the draft NPPF's definition of sustainable development being granted planning permission under the proposed policy for the "presumption in favour of sustainable development" in the draft NPPF, thereby limiting the Council's ability to manage development proposals within their own authority.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
25 th July 2011	Draft National Planning Policy Framework
25 th July 2011	Draft National Planning Policy Framework: Consultation
25 th July 2011	Draft National Planning Policy Framework: Impact Assessment
25 th July 2011	Letter to Chief Planning Officers: National Planning Policy Framework

All of the above background documents can be downloaded from:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

9th August 2011	Advice produced by the Planning Inspectorate for use by its Inspectors – National Planning Policy Framework: Consultation Draft
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Available to be downloaded from:

http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf

Equality Impact Assessment

A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix A – Recommended Responses to the Consultation Questions – Policy Questions

Appendix B – Recommended Responses to the Consultation Questions – Impact Assessment Questions

Appendix C – Equality Impact Assessment

Recommended Responses to the Consultation Questions

Policy Questions

Delivering Sustainable Development

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

1(a) – Do you agree?

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

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

Paragraphs 9 and 11 – WLBC agrees with the use of the Brundtland Commission’s definition of sustainable development and that the three components of sustainable development should be pursued in an integrated way. For clarity, the Council believes that the NPPF would be strengthened by incorporation of a clear statement that this definition is applied to all parts of the document.

Paragraph 14 – WLBC agrees with the concept of a presumption in favour of sustainable development but objects to the proposals within the draft NPPF to simply grant permission for a development where the plan is absent, silent, indeterminate or where relevant policies are out of date. This proposal could lead to unsustainable development in inappropriate locations which are unsupported by local communities. The Council believes that the NPPF should be amended to ensure that sufficient weight is given in the decision making to the local context regardless of whether the plan is up-to-date or not.

Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

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

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

Paragraphs 20-26 – WLBC would like to see greater clarification on the transition arrangements between the existing LDF system and what appears to be a new Local Plans system proposed by the draft NPPF.

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

2(c) Do you agree?

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

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

Paragraph 46 – WLBC supports the “duty to cooperate” but would like to see greater flexibility in relation to the way this cooperation is evidenced at an examination, with less formal evidence than that proposed in paragraph 46 being considered appropriate, especially in relation to development plan documents that are already in preparation.

Decision taking

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

3(a) Do you agree

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

- Neither agree or Disagree
- Disagree
- Strongly Disagree

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

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

4(a) Do you agree

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

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

WLBC agrees that guidance could be provided by organisations outside the government, but there may be a danger in making it “light-touch” as there is a need for some consistency across the country in certain planning matters and detailed guidance ensures this consistency.

WLBC considers that there are many areas where guidance may be necessary, including most particularly on climate change (Energy Saving Trust / Carbon Trust / Envirolink), flooding (Environment Agency) and coastal change (Marine Management Organisation), the housing evidence required by the NPPF, business and economic development (especially applying market viability), retail / town centres, transport and infrastructure planning.

Business and economic development

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

5(a) Do you agree?

- Strongly agree
- Agree

- Neither agree or Disagree
- Disagree
- Strongly Disagree

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

Paragraphs 73-75 – WLBC do agree that the draft NPPF’s policies will encourage economic activity, but further guidance to ensure that the policies are applied equally across the country may provide still greater certainty and confidence for business.

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

More guidance on economic growth projections by District in terms of numbers of jobs and in what sectors (i.e. an economic equivalent to the household projections) and how to best translate this into employment land requirements.

Guidance on what evidence it is appropriate to require of applicants to justify the loss of an employment site when they are proposing to redevelop an existing employment site for another use.

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

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

Paragraphs 76-80 – WLBC do agree that the draft NPPF’s policies will be beneficial for planning for business and economic development, but there is concern that the loss of detail from PPS4, especially in relation to assessing retail proposals, could create inconsistent approaches

across the country, and therefore inequality.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

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

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

Paragraph 84 – WLBC considers that the 1st bullet point should be amended to read “facilitate economic growth by taking a positive approach to planning for *improvements to sustainable transport infrastructure*”. The reasoning informing an objective where it is expected that *development*, in and of itself, will deliver sufficient sustainable transport improvements to stimulate economic growth is inaccurate.

Paragraph 85 – WLBC considers that the policy could be made more relevant to local planning authorities by also discussing the local provision of sustainable transport infrastructure to significant employment destinations.

Paragraph 86 – WLBC considers that the 3rd bullet point appears to prioritise delivery of housing and economic growth over highway safety and the accessibility / sustainability of transport connections serving the proposed development. What the NPPF defines as “severe” residual impacts should be made clear.

Communications infrastructure

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

8(a) Do you agree?

- | | |
|----------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |

- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

WLBC agree that the draft NPPF will enable the delivery of more homes to meet local demand, although would wish to express concerns that the policies may not always ensure that they are provided in the right location.

Paragraph 109 – WLBC considers that greater clarity is

required on the additional allowance of 20% on top of the 5-year supply. Should this come out of the 6-10 year supply or be entirely separate? Will a similar allowance be required for the full 15-year supply in Local Plans?

Paragraph 110 – WLBC is concerned that the draft NPPF proposes to take away the ability of local planning authorities to properly determine housing applications in light of local context simply because a 5-year supply of housing cannot be demonstrated. This will inevitably lead to unsustainable housing developments in inappropriate locations against the wishes of local communities, and therefore be contrary to the localism agenda.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

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

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

Paragraph 127 – WLBC recommends that there should be consideration of what impact the proposed “very significant weight” to be attached to the desirability of establishing new schools will have on unrelated existing schools – it would seem perverse to promote a new school in this way if it results in the closure of an unrelated existing school.

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

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

Disagree

Strongly Disagree

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

Green Belt

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

13(a) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

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

WLBC agree that the draft NPPF gives a strong, clear message on Green Belt protection, but that it is perhaps not as strong as PPG2 and therefore could result in some inappropriate development being permitted in the Green Belt.

Paragraphs 137-140 – WLBC would like to see consideration and encouragement of sub-regional reviews of Green Belt to enable a more robust and comprehensive review of Green Belt boundaries in a “wider-than-local” context.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

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

WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately

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

14(c) Do you agree?

Strongly Agree
Agree
Neither Agree or Disagree
Disagree
Strongly Disagree

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

WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

Strongly Agree
Agree
Neither Agree or Disagree
Disagree
Strongly Disagree

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

WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately

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

14(g) Do you agree?

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

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

WLBC considers that further guidance on this topic is essential to ensure that the policy is delivered appropriately and that important detailed guidance currently within PPS25 and its accompanying companion guide is not lost

Natural and Local Environment

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

15(a) Do you agree?

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

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

Paragraph 167 – WLBC considers that greater emphasis should be placed on protecting agricultural land for the needs of future generations and to improve the UK's ability to be self-sustaining.

Historic Environment

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

16(a) Do you agree?

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

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree

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

Appendix B

Recommended Responses to the Consultation Questions

Impact Assessment Questions

Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

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

See answers to questions below

Planning for Travellers

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

No

Specific questions on the impact assessment

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

No comments

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

Potential for loss of detailed guidance on particular matters due to streamlining of policies leaving local authorities exposed to developer pressures. This could lead to a greater uncertainty in decision-making, leading to more planning appeals.

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

The familiarisation time of 3 to 4 hours per person seems to be on the low side given that different cases will present different challenges as to how the NPPF will be interpreted. We would suggest that this would be a rather longer ongoing familiarisation process which is difficult to quantify as a fixed number of hours.

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

Agree with the notion that consolidating national policy will save between 2.5 to 4 hours per planning application, once officers are familiar with the NPPF. No further evidence to offer at this stage.

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

It is considered that the number of applications may increase from the number currently received as despite wider economic factors, there will be more speculative applications. It is further considered that this will result in the number of appeals rising due to discrepancies in interpretation of the NPPF in the early days and the increase in speculative applications.

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

Impact on costs to applicants will be minimal as the consideration of National Policy is only part of the process, the more detailed local policy agenda will continue to be a major consideration when preparing an application. However, more appeals will ultimately mean higher costs for those applicants affected.

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

No further views.

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

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

In the longer term the presumption in favour of sustainable development is likely to have a positive impact on the number of planning applications, the approval rate and the speed of decision making. In the shorter term, however, there is likely to be some confusion. Developers will

clearly see this as an opportunity for pursuing their interests and are likely to submit more applications, however until a clear policy agenda has been interpreted and fully understood by officers at a local level, the approval rate and speed of decision making is likely to decrease for a period, or perhaps remain steady. An increase in the number of appeals will only slow the ultimate speed of decision making further. Guidance and support for local authorities during this stage will be crucial, but the ability to interpret such a presumption flexibly at a local level will be equally as important.

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

Many LPAs are at an advanced stage in the production of their Core Strategies, if they have not already been adopted. As a result, any changes in the nature of 'local plans' or LDFs as a result of the presumption in favour of sustainable development will have significant costs in terms of plan production and the necessary amendments to be made. It would be helpful if more guidance could be produced at Central Government level demonstrating how cost implications could be reduced i.e. could some of the requirements associated with the presumption be built into existing Core Strategies where drafts are in progress in order to increase the life of the document thereby reducing immediate costs?

The presumption is likely to have a positive impact on engagement with businesses, particularly as there may be new development opportunities to follow up. However, with constant public consultation on ever changing policy approaches some will inevitably become frustrated with and perhaps disinterested in the latest changes.

The presumption may lead to more neighbourhood plans as local communities and businesses will see this as an opportunity for development. However, thus far, in West Lancashire there has been little interest in Neighbourhood Plans because of the costly and onerous preparation process and because most communities want less development, not more.

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

Economic and social factors are likely to be impacted in a positive manner as a result of the presumption in favour of sustainable development, particularly economic factors. It is likely that streamlining policies will encourage more economic and residential development, though LPAs need to ensure that existing employment sites are not all lost to more profitable housing development. We have greater concerns regarding the environment, particularly in areas which are more rural in nature and those which have a significant historic environment. In such areas the presumption may have a more negative impact and LPAs will need to carefully consider how to manage this at a local level. Ultimately, the proposed approach to implementing the presumption in the NPPF may lead to more unsustainable development.

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

Overall, the presumption should have a positive impact on development and the positive determination of planning applications. However, during the transition period as LPAs create and familiarise themselves with the new approach there may be a temporary rise in the number of appeals. Even after the transition period, it is likely that some conflict will remain in relation to the natural and historic environment and conflict between existing uses. It is possible that this rise in appeals, especially initially, will be quite significant.

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

Yes. Whilst including office uses in the town centre policy has been beneficial in some respects, it is realistic to reduce restrictions on the future development of this use in line with market demands. Indeed some areas do not benefit from a policy which specifies that office space can only be located centrally, particularly in more rural Boroughs. Caution needs to be had, however, to ensure that such development is only allowed in sustainable locations and this is identified within the impact assessment.

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

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

Yes. 10 years is a more realistic time frame for assessing

the full impacts of a scheme. This will be particularly relevant during the crucial post recession era.

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

Resource costs are likely to be significant at the outset in terms of survey work, assessment of existing parking provision, location/accessibility, public consultation and preparing a policy. However, the benefits of having a locally specific requirement would outweigh the costs in the longer term. Again, some guidance or parameters at a central level would be helpful in determining local parking standards, and demonstrate the government's commitment to discouraging the use of private vehicles and encouraging sustainable modes of transport.

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

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

As a largely rural local council with relatively poor public transport links, it will be beneficial to have the flexibility to tailor parking standards to suit local needs. Given the relatively remote location of the Borough, benefits such as fewer parking restrictions would assist greatly in attracting new employment development to the area in future. Therefore, in certain parts of the Borough the Council may be inclined to increase parking standards compared to the current national standards.

The impact assessment presents a fair representation of the costs and benefits.

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

Yes.

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

In a largely rural Borough, removing the national target for brownfield will not have a major impact. Existing towns and villages are already greatly constrained by the Green Belt and there is very little land left within the majority of existing settlements to accommodate new development.

Having said that, there are some areas where a brownfield land target should be kept high in order to facilitate regeneration and avoid a situation of 'easy wins' for developers who prefer greenfield sites rather than contaminated brownfield sites.

The Council would continue with its current approach, prioritising brownfield land where ever possible in order to meet housing targets sustainably.

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

The identification of 20% additional land for homes is a sensible approach in order to plan ahead in terms of housing delivery. In practical terms, however, this may be more difficult to achieve and manage in some Boroughs, for example those which usually have a lot of windfall development and those, such as West Lancashire, that are severely constrained. The current economic climate also makes it very difficult to achieve a 5 year supply, let alone 20% extra. Additional resources are not considered to be significant given the detailed work which already goes into the SHLAA. However, if this additional 20% is applied to the full 15-year supply of a Local Plan, it will require additional resource in preparing the Local Plan.

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

A more flexible approach to affordable housing requirements is welcomed. Whilst we would not look to provide less affordable housing overall, it would be beneficial to require less in areas which are in need of regeneration where developers can make contributions in terms of other planning obligations. Affordable housing thresholds with no flexibility make it difficult to direct development to weaker housing market areas which are most in need of investment. However, WLBC has already considered this in preparing its Core Strategy.

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

Whilst ensuring that varied housing is made available to rural communities, the Council will continue to consider the benefits and disadvantages of development in environmentally sensitive locations. Where developer contributions can mitigate such impacts there may be a

case for developing some market housing, along with affordable housing but demand levels would need to be assessed in detail. A further complication for WLBC is that our rural areas are also Green Belt.

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

As this is a new policy area, it would take rather a lot of resource to assess existing provision in terms of availability and viability, consult with the public and produce a new community facilities policy. It is, however, difficult to identify a specific figure for this, and some of this work has already taken place in preparing the IDP.

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

Similarly to the response to QB3.5, developers would incur a cost to provide the same level of detail as part of an evidence base.

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

Generally the impact assessment seems to be fair, although it is rather light on the impact on the environment and open nature of the Green Belt. There should be more emphasis on how local councils should protect the existing qualities of the Green Belt and weigh these up against the benefits of, for example, a new transport interchange.

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

The new policy approach to green infrastructure appears to be very vague stating only that LPAs will be encouraged to take a more strategic view of green infrastructure provision. There is no guidance as to how this will differ from the current approach and it is stated that the preferred option will not require LPAs to gather new evidence. The resource implications and impacts of this policy change are therefore unclear. This policy approach requires further clarification.

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

The Local Green Space designation policy will make it easier to protect locally valued green spaces from development. This is particularly important in rural Boroughs where development pressures are high. The concern, however, is that local green spaces need to be considered carefully in terms of their value and weighed up against the potential loss of Green Belt in order to meet development needs. The policy's intention is sufficiently defined.

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

There will be resource implications in monitoring potential/emerging European sites, however these are deemed to be minimal and the overall approach is supported.

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

A change to a more flexible policy approach to decentralised energy is welcomed. Whilst this remains an important priority, some flexibility is helpful in order to ensure that such schemes can be applied in suitable locations, where viable and deliverable. Removing overall 'targets' is therefore supported. The Council's policy approach will be considered in light of the above.

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

Identifying broad areas would certainly help to strategically plan for large scale renewable energy developments and infrastructure. However, there needs to be some recognition that smaller scale provision may vary depending on specific sites and viability. Additional flexibility in this regard will be important and our policy approach will seek to reflect this.

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

The Council's approach is unlikely to change as the changes recently made to the PPS5 will be carried forward and monitoring is already carried out.

Equality Impact Assessment

West Lancashire Borough Council

EIA process for services, policies, projects and strategies

Question 1

Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:

- People of different ages – including young and older people
- People with a disability
- People of different races/ethnicities/nationalities
- Men
- Women
- People of different religions/beliefs
- People of different sexual orientations
- People who are or have identified as transgender
- People who are married or in a civil partnership
- Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave
- People living in areas of deprivation or who are financially disadvantaged

No

Question 2

What sources of information have you used to come to this decision?

The draft National Planning Policy Framework document

Question 3

How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?

No

Question 4

Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people)
- Foster good relations between people who share a protected characteristic and those who do not share it

No

Question 5

What actions will you take to address any issues raised in your answers above?

N/A