

1. Introduction

- 1.1. The Local Government Association (LGA) is here to support, promote and improve local government. We will fight local government's corner and support councils through challenging times by making the case for greater devolution, helping councils tackle their challenges and assisting them to deliver better value for money services. www.local.gov.uk
- 1.2. This response has been agreed by the LGA's Environment and Housing Programme Board. The Environment and Housing Programme Board has responsibility for LGA activity in the area of the sustainability of the environment, including issues of planning, waste and housing.

2. Summary

- 2.1. We support the government in its aim to simplify the planning system. Removing unnecessary bureaucracy and prescription will allow local people and their directly elected representatives to plan effectively for the development of their area.
- 2.2. The National Planning Policy Framework (NPPF) moves away from complex and sometimes contradictory national policy and swathes of guidance to focus on key principles. This approach will support councils to develop strong local plans which reflect local needs and priorities and support sustainable growth, wealth generation and employment. However, councils have two key recommendations:
- i. Sustainable Development only makes sense at a local level. We agree with the principle of sustainable development as defined at the beginning of the document. **The document as a whole must balance economic, environmental and social issues equally.** This is important in allowing locally elected councillors the flexibility to make the necessary trade off's locally.
 - ii. Councils must have **adequate time and resource** to get sensible plans and new evidence bases underpinning them in place.

3. Key asks:

- 3.1. **The NPPF needs to be balanced** - Whilst economic growth is very important, the NPPF must give greater clarification and reassurance that all three aspects of sustainable development (economic, environmental and social) are important and valid objectives of planning.
- 3.2. **Sustainable development can only be defined locally** - The NPPF should make clear that it will be for the local plan to set out what sustainable development means for the local area and the development required to deliver it.

- 3.3. **Robust local evidence underpins good planning and development** - Councils welcome the flexibility to be able to do this locally. It is important to get this right; this takes time and resources. It is therefore vitally important that appropriate transition mechanisms are put in place.
- 3.4. **The power of Planning Inspectorate (PINs) should not encroach upon matters which are, quite properly, the subject of local political decision.** Moves through the Localism Bill to restrict the power of the PINs to overturn local decisions are welcome. However this must be taken further. The role of PINs is not to second guess or undermine the judgement of democratic representatives as long as those judgements are based on robust evidence. All other issues must be left for local determination.
- 3.5. **Local determination of additional land supply for housing** - The requirement for local authorities to identify a 20% surplus allowance over and above the five year land supply should be removed. Uniformly requiring an additional 20% appears to be the imposition of an arbitrary national target. As such it is contrary to the general principles in the NPPF for local discretion and evidence based planning. It should be for local areas to decide based on past delivery against their 5-year supply if identification of additional surplus land will assist in bringing forward development and to determine what level of additional land is appropriate. In addition, councils should have the discretion to include windfall sites in allocations of surplus land.
- 3.6. **Good Design is essential to creating places people want to live.** The NPPF should recognise the importance of design in improving localities and enhancing people's quality of life and local areas should be able to pursue standards of design quality that are higher than the national minimum standards.
- 3.7. **Councils value and protect green space.** The new green spaces designation is a very helpful new tool to enable communities to protect and create valued green spaces. It is important however that this is done in the context of locally set strategic priorities.
- 3.8. **The way in which councils cooperate is best decided locally.** We agree with the way in which the Duty to Cooperate is expressed in the NPPF. Cooperation between partners and councils can not be meaningfully prescribed at a national level and it is helpful the government has recognised this.
- 3.9. **Technical guidance to support councils should be led by appropriate sector groups and only in cases where there is a clear need-** We welcome the removal of bureaucratic and prescriptive national guidance. Where there is a need for common approach amongst stakeholders, then appropriate sector groups working together supported by government should define and lead on developing any technical guidance required.

3.10. Councils must be given time to put in place plans and new evidence bases.

- We agree that it is imperative that local plans are in place as soon as possible.

However, councils must have adequate time and resource to put in place sensible plans that conform to the NPPF and new evidence bases underpinning them in place to ensure that local needs are met and local people have a say in the development that affects them. This will require clear transition arrangements so that citizens, councils and developers have certainty about when and how the presumption of sustainable development will apply. Those areas who have invested a significant of time and resources in getting an up to date local plan in place prior to the changes should not be required to go through the process again or face further delays. It is important that any process for registering conformity is light touch and swift. LGA have developed proposals on arrangements for the transition as follows:

- i. Those areas with sound, up to date plans in place, or who have published a plan by 1st April 2012 to confirm to PINs that their plan conforms to the NPPF. It will then be for PINs to accept this confirmation or provide specific areas to be addressed if not accepted. Councils will then have a reasonable period of time to address these issues during which time PINs should engage and cooperate in a dialogue on the issues and actions required. Throughout that process (until the end of the agreed time for revision) the plan will be considered as a sound basis for decision making.
- ii. A phased programme for councils who do not yet have a plan in place which will require them to set out a simple timeline for completion of their plan at which point the presumption will apply.
- iii. We invite further discussion with government on what a realistic timeframe for the completion of all plans should be and on the detail behind these proposals.

SECTION B:

Main Consultation Response

i. About you

(i). Your details:

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(ii). Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal view	<input type="checkbox"/>

(ii). Are the views expressed on this consultation in connection with your membership or support of any group? If yes please state the name of the group.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

(iv) Please tick the one box which best describes you or your organisation:

Other public body (please state)	<input checked="" type="checkbox"/>
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(V). Would you be happy for us to contact you again in relation to this consultation?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

DELIVERING SUSTAINABLE DEVELOPMENT

1a The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

We agree with the principles for Sustainable Development set out in the document, but what constitutes sustainable development in an area can only be meaningfully defined at local level in the context of local circumstances and priorities. It is important that the NPPF as a whole provides a balance between economic, environmental and social issues so that elected councillors can decide weighting and trade offs between priorities at local level.

Whilst economic growth is very important, the NPPF must give greater clarification and reassurance that all three aspects of sustainable development (economic, environmental and social) are important and valid objectives of planning.

To achieve this, the final sentence of **Paragraph 14** should be amended to read *“All of these policies should apply where practical and consistent with the policies in this framework taken as a whole”*. This will allow a more balanced application of the principles of sustainable development than the current draft which stipulates that development should be allowed unless the negative impacts *“significantly and demonstrably”* outweigh the benefits. The same phrasing should be reflected in **Paragraphs 20** and **110** on local plans.

LGA suggests three further issues to be addressed with regard the presumption:

- i. The presumption in favour of sustainable development cannot overrule the presumption in favour of the Development Plan that is already enshrined in law Section 38 (6) of the Planning and Compulsory Purchase Act 2004. We therefore need a clearer understanding of exactly how and when it comes into play.
- ii. LPAs must retain reasonable leverage to make decisions and secure multiple benefits based on “locally determined sustainable development priorities”.
- iii. Phasing “the presumption” over a period of time with clear and achievable timescale for councils and the PINS to work to

In the reference to the Community Infrastructure Levy (CIL), the draft NPPF says that CIL should support new development by *“placing control over a meaningful proportion of the funds raised with the neighbourhoods...”* The final NPPF must make it clear that decisions about what a meaningful proportion is and arrangements for devolving funding to neighbourhoods should be made locally by democratically elected representatives to ensure accountability.

PLAN-MAKING

2a. 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.

Local Plans

We agree with the principle that the number of local plans should be kept to a minimum; however there are occasions when supplementary planning documents (SPDs), when creatively used, have proved to be helpful to both planning authorities and the development industry. LGA suggests NPPF recognise the value of SPDs as tools in a localised planning system [ref **Paragraph 21**] [See also our response to Question 12a on Design].

Under current arrangements, they can be used to provide clarity to developers of how Councils intend to tackle complex local issues such as potentially controlling betting shops, takeaways, HMOs and moneylenders. Attempting to tackle such issues comprehensively in local plans, given the lack of prescription at the national level, will result in lengthy complex documents

Paragraph 26 – Suggest including reference to the role of locally agreed timescales for delivering up to date local plans (perhaps using simplified Local Development Schemes (LDS). The LGA believes that they are useful in providing general trajectory of when plans are expected to be delivered and could be used to assist transitional arrangements.

Paragraph 26 cont'd- 'It will be open to local planning authorities to seek a certificate of conformity with the Framework'. We suggest that where a sound plan is already or is soon to be in place, it should be for LPAs to confirm to PINS that their plan conforms with the NPPF. The plan will be considered as sound unless challenged by PINS. LGA have developed proposals on arrangements for this transition which we are happy to discuss in further detail.

Paragraph 27 Whilst it would clearly be inappropriate for a plan wilfully to ignore market signals, one of the responsibilities of the planning system is to look beyond the immediate present. A fifteen-year plan will span a number of economic cycles. LGA recommends government qualify this last sentence by adding the following "particularly where these are indicative of longer-term issues for the local community".

Paragraph 28 – We support the inclusion of strong levers to facilitate affordable housing and to meet people's special housing needs. For example, housing which is specially designed or designated for older people.

Ensuring viability and deliverability

Paragraph 39. LGA are keen to ensure that the drafting of the presumption in favour of sustainable development and the viability sections gives clear and unambiguous protection for local discretion by local decision makers.

The current approach to economic 'viability' (which requires developers to be able to make an 'acceptable' return on investment 'throughout the economic cycle') gives too much scope for developers to avoid meeting necessary infrastructure costs or building to the quality desired by many local communities.

This is not consistent with the principles of the previous section Delivering Sustainable Development 'guiding development to sustainable environmental, social, economic solutions' (**Paragraph 10**). It will also make it very difficult to implement other elements of the NPPF, for example the way in which "incentives and relevant (CIL?) "charges" and "revenue generated from development will help sustain local services, fund infrastructure and deliver environmental enhancement" (see **Paragraph 18**) or deliver the strategic priorities of key infrastructure in the local plan as defined under **Paragraph 23**.

Paragraph 41 states "*Local planning authorities...should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, SPDs and policies that support the development plan, when added to nationally required standards*".

LGA believes the NPPF should not restrict local authorities from setting local standards that exceed minimum national standards where these would be supported by evidence to demonstrate that they are achievable and viable.

We therefore suggest full replacement wording for **Paragraph 41** as follows:

“Local planning authorities should ensure that proposed local standards, SPDs and policies that support the development plan are appropriate to their locality and do not unreasonably threaten the viability of development which accords with local plan policies.”

Paragraph 50 states that neighbourhood plans must be in general conformity with the strategic policies of the local plan. However **Paragraph 51** states when a neighbourhood plan is made, the policies it contains “take precedence over the existing policies in the local plan for that neighbourhood”. There is scope for confusion between these two paragraphs and we would recommend the final NPPF clarifies this.

JOINT WORKING

2c & 2d The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

The LGA acknowledges that some issues – waste, energy, infrastructure, housing, flooding – are just too big to be dealt with by an individual authority. We therefore support the emphasis placed on LPAs collaborating, with each other, and with other public bodies including county councils and Local Enterprise Partnerships (LEPs), to understand and plan for the wider economic and housing market areas of which they are a part.

We agree with the way in which the Duty to Cooperate is expressed in the NPPF and that the way in which councils cooperate is best decided locally.

We have numerous examples of councils working together across areas to plan for strategic priorities and we are keen to play a leading role in spreading innovation and best practice across the sector.

For this reason we believe that the NPPF should not be prescriptive about how LPAs cooperate and suggest that the 2nd sentence in **Paragraph 46** should be amended to read: *“This could be by way of plans of policies prepared as part of a joint committee, a memorandum of understanding, a jointly prepared strategy or any other means deemed locally appropriate which can be presented as evidence of an agreed position.”*

As an additional point, LGA would recommend government reflect on this drafting in **Paragraph 44** to underscore the importance of the duty to cooperate by encouraging robust and timely co-operation from non-council public authorities.

Non-council public authorities could include for example organisations with functions of a public nature and statutory undertakers, e.g. former public utilities such as water companies, electricity and gas supply companies, who have a key impact on the lives of local communities and residents). We do not propose that these bodies should be identified in the NPPF as the need for their involvement will vary in different areas. However, it is essential that the different bodies with responsibilities for the relevant assets are encouraged to proactively collaborate with LPAs.

DECISION TAKING

3a. In the policies on development management, the level of detail is appropriate.

LGA would recommend the final version of the section relating to Development Management contain an explicit reference to enforcement and the role of the local authority in this respect.

Paragraph 54 advises that local authorities should attach significant weight to the ‘benefits of economic and housing growth’. We agree that it is right that LPAs attach importance to these outcomes (and would argue that they already do), however it is also important that they

are also able to factor environmental and social considerations into development management decisions. We therefore suggest the following amendments:

Paragraph 54: Add additional principle that makes it clear that LPAs are *"able to refusal a proposal for development which is not sustainable as defined by the local plan"*

Paragraph 54: Add additional principle *"These principles should be applied on the basis of delivering development that respects the vision and aspirations of the local community as defined by the local plan"*.

Paragraph 56 to 61: We strongly agree that pre-application engagement and front-loading has an important part to play in making the planning system more efficient and agree that developers should be encouraged to engage in pre-application processes. These principles should be reflected throughout the final draft.

We would also recommend that the NPPF should allow for incentives to encourage developers to promptly implement their planning permissions.

Paragraph 64: Article 4 and local development orders. We agree that these tools can be an affective means of localising the planning system and tailoring it to local circumstances. However this should be a matter of local discretion and the NPPF should not impose rigidity or seek to prescribe the circumstances in which they are used.

Paragraph 70: We agree that planning obligations and conditions should not be "unnecessary", however it is important that what constitutes "necessary" should be determined locally by LPAs.

4a Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

We believe that where there is strong and specific consensus around the need for common approach amongst stakeholders, then appropriate sector groups working together should define and lead any technical guidance on that approach. The LGA is already involved in various working groups on common approaches and sector assistance.

There are opportunities for councils themselves to generate guidance that is more meaningful than previous government guidance and addresses the issues that are most pertinent to councils.

The final aim of such programmes is to look for particular collaborative approaches and/or methodologies that could be acknowledged (but not explicitly insisted on) by central government as good practice because of the way it has been produced.

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

Where there is strong consensus around the need for some common approach amongst stakeholders, then we believe the appropriate sector groups working together can help decide what appropriate "guidance" is.

To successfully take this agenda forward, the LGA recommends that that central government clarifies the following:

What remains in terms of statutory guidance or regulation, including circulars, guidance notes and statements and;

Where –if anywhere- they will maintain an interest in resourcing or quality-assuring.

The Planning Inspectorate will need to work closely with the sector to ensure that advice and good practice will be reflected in the assessment of plans and appeal decisions.

BUSINESS AND ECONOMIC DEVELOPMENT**5a. The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.**

The requirement not to protect employment land or floor space is supported where it is no longer able to fulfil a useful economic function. However, there may be occasions when it is necessary to protect good employment sites that fulfil a useful economic function from other competing, higher-value land uses. It is therefore recommended that the NPPF allow local authorities to maintain maximum discretion for well evidenced land designations throughout the economic cycle. It should also be recognised that undeveloped land can have a sustained lasting economic value in terms of agriculture, tourism and amenity and can be strongly related to the quality of life of the people in the area.

Paragraph 19 The second bullet point should be amended to read “...Every effort should be made to identify and meet the housing business and other development needs of an area and respond positively to wider opportunities for growth, except where this would compromise key sustainability principles.”

Councils need the levers to make connections between spatial planning and other “people-based” regeneration and growth initiatives, such as the work programme. This will require a joined up approach and buy-in to the NPPF from all government departments.

Paragraph 74 makes a direct reference to councils utilising “the presumption” in considering applications for planning permission. As outlined in our opening comments, NPPF must give greater clarification and reassurance that all three aspects of sustainable development (economic, environmental and social) are important and valid objectives of planning.

Paragraph 75: “Planning policies should avoid the long term protection of employment land...” There is a potential conflict between Paragraph 24, which seems to encourage LPAs making long-term designations of land and Paragraph 75, which states that the long term protection of employment land should be avoided.

We recommend **Paragraph 75** is amended as follows “local authorities should seek to avoid protecting historic allocations of employment land in situations where there is no evidence of it ever being taken up, but where there is evidence of a demand for some other use of it which would be appropriate.”

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

Whilst it would clearly be inappropriate for a plan wilfully to ignore market signals, one of the responsibilities of the planning system is to look beyond the immediate present. A fifteen-year plan will span a number of economic cycles.

LGA suggest government qualify the in **Paragraph 19 third bullet point** to say “...to take into account local circumstances and market signals...particularly where these are indicative of longer-term issues for the local community”.

6a 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.

The draft NPPF requires local planning policies to be positive and promote competitive town centre environment **Paragraph 76** retains the sequential test for retail and leisure use. The NPPF should reflect the importance of enabling local authorities to protect the diversity and of our local high streets to achieve the right balance for example between independent and multiple traders, unit sizes and local use classes.

LGA are keen to ensure that that taken as a whole final framework does not water down LPAs' discretion on this issue, as this could lead to an increase in stand-alone retail developments at the expense of our shopping parades, high streets and district town centres.

We also recommend the NPPF makes direct reference to town centres, out of centre sites and rural sites, the policy fails to consider smaller shopping parades sufficiently (these are often relied upon by communities to fulfil their everyday retail needs).

LGA propose that the first bullet point under **Paragraph 76** is amended to read: “*Planning policies should be positive, promote and support the viability, vitality of town centres, shopping parades and local retail and leisure facilities and set out policies for the management and growth of centres over the plan period..*”

The third bullet point of Paragraph 76 should reworded as follows: “*define the extend of the town centre and primary shopping area, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will and will not be permitted in such locations*”

TRANSPORT

7a The policy on planning for transport takes the right approach.

Paragraph 83 should be more positive about sustainable transport outcomes and amended to read *“The planning system should therefore support a pattern of development which aims to facilitate the use of sustainable modes of transport.”*

The objectives of transport policy **Paragraphs 84** miss the important social objective of transport policy, of giving people access to essential services. This needs to be fully reflected in an additional bullet point in the final version.

The last part of **Paragraph 86**: *‘... development should not be prevented or refused on transport grounds unless the residual impacts of development are severe...’* should be deleted.

Traffic generation is one of the major concerns stated by local communities in opposition to new development. Whilst it may be un-realistic for new development to improve existing traffic problems, it is surely reasonable to expect future conditions not to be significantly worse once mitigation measures have been implemented.

COMMUNICATIONS INFRASTRUCTURE

8a Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

It is important that the planning system supports the identification and focus on local communication priorities. For example, in rural areas without universal broadband coverage, LPAs may wish to prioritise investment in communication blackspot areas.

LGA therefore suggests that the words *‘ to meet the needs of their local communities’* are added at the end of the first sentence in **Paragraph 96**.

This would necessarily include identification of communication black spots.

MINERALS**9a The policies on minerals planning adopt the right approach.**

Paragraph 101 We welcome the fact that the NPPF retains the system of a managed supply of aggregates through aggregate working parties (AWPs). To maintain this approach AWPs will need to continue being funded as they are presently by DCLG.

Paragraph 102 should confirm that the NPPF offers the same level of protection for landscapes in National Parks and AONBs as is set out in Circular 2010.

The section refers to "local planning authorities". In two-tier areas, the local planning authority and the minerals planning authority are not one and the same. It would be helpful therefore for the NPPF to use the term "minerals planning authority" for this section.

HOUSING**10a The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.**

There is clearly a case for an effective policy framework to be put into place to deliver high quality development (and associated infrastructure) in the right location, at the right time, to meet local demand.

The requirement for local authorities to identify a 20% surplus allowance over and above the five year land supply should be removed. Uniformly requiring an additional 20% appears to be the imposition of an arbitrary national target. As such it is contrary to the general principles in the NPPF for local discretion and evidence based planning. It should be for local areas to decide if identification of additional surplus land will assist in bringing forward development and to determine what level of additional land is appropriate. In addition, councils should have the discretion to include windfall sites in allocations of surplus land provided this is based on a robust evidenced view on the likelihood of future windfall sites coming forward.

The first bullet point of **Paragraph 109** should be amended to read "*use an evidence base to identify the full requirements for market and affordable housing in the housing market areas and use their local plan to meet local needs as far as is consistent with the sustainability principles set out in the local plan/framework....*"

Paragraph 110 should be amended to read "*...Local Plans should be prepared on the basis that objectively assessed development needs should be met, where practical and consistent with the principles and policies in this framework as a whole*".

PLANNING FOR SCHOOLS**11a The policy on planning for schools takes the right approach.**

We strongly welcome the Government's decision not to pursue the idea of taking large parts of school-related development out of planning control.

This is in line with our earlier suggestions to government. See LGA & Planning Officers Society (POS) response to Consultation on "Planning for Schools Development" (December 2010) www.lga.gov.uk/planning

DESIGN**12a The policy on planning and design is appropriate and useful.**

Good Design is essential to creating places people want to live. The NPPF should recognise the importance of design in improving localities and enhancing people's quality of life and

local areas should be able to pursue standards of design quality that are higher than the national minimum standards.

LGA would support the inclusion of the following at the end of **Paragraph 114** “ *there should be no acceptance of schemes that do not enhance their locality and improve people’s quality of life.*”

Local Authority Supplementary planning documents (SPDs) may cover a range of issues, both thematic and site specific, and may expand policy or provide further detail to policies in a Local Plan. SPDs may take the form of design guides, area development briefs, master plan or issue-based documents, which supplement policies in a DPD.

As stated earlier, there are occasions when supplementary planning documents (SPDs), when creatively used, have proved to be helpful to both planning authorities and the development industry. LGA suggests NPPF recognise the value of SPDs as tools in a localised planning system [ref **Paragraph 21**]

GREEN BELT

13a The policy on planning and the Green Belt give a strong clear message on Green Belt protection?

The continuation of Green Belt policy in **Paragraph 137** “*Green Belt boundaries should only be altered in exceptional circumstances*” is supported.

The new green spaces designation is a very helpful new tool to enable communities to protect and create valued green spaces. It is important however that this is done in the context of locally set strategic priorities

Paragraph 145 sets out a list of development ‘not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.’ The last bullet point refers to development brought forward under a Community Right to Build Order. This suggests to some of our members that such Orders will override Green Belt policy. However, **Paragraph 50** states that neighbourhood plans must be in general conformity with the strategic policies of the local plan. It would be useful to clarify precedence in this matter.

Some of our members felt that there was an inconsistency between the Framework policy for Green Belt and the draft PPS for traveller sites, leaving it unclear as to whether or not traveller sites can be allowed exceptionally within the Green Belt. They suggested the inclusion of a new paragraph between **Paragraphs 138** and **Paragraphs 139** along the following lines:

“Once the general extent of a Green Belt has been approved it should only be altered in exceptional circumstances and only after the local authority has fully considered opportunities for development within the urban areas contained by and beyond the Green Belt”.

CLIMATE CHANGE, FLOODING AND COASTAL CHANGE**14a 14b The policy relating to climate change takes the right approach.**

The climate change policies are currently located in the 'environmental section' of the NPPF. The text should make clear that they are equally relevant to the 'places' and 'prosperity' sections which would reflect Government's stated priority of moving to a "low carbon" economy. Climate Change mitigation and adaptation should also be given higher profile in the front section (pages 1-18) of the document to underline its importance as an objective of the planning system.

We recommend the role of council is promoted here, as recognised in the recent agreement between LGA and DECC. The LGA DECC Memorandum of Understanding (MOU) in particular acknowledges: "...*the pivotal role councils have in tackling climate change: by reducing carbon emissions from their own estate and operations; encouraging and enabling their residents, businesses and visitors to reduce their carbon emissions; and by achieving national priorities such as the Green Deal and renewable energy deployment in a locally appropriate way*".

Paragraph 148 - Water efficiency should be given equal promotion in the NPPF along side energy efficiency

Paragraph 150 states that when setting local requirements for a buildings' sustainability, local authorities should do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards. Whilst we support this, LGA also believes that the NPPF should not discourage local authorities to setting local standards that exceed minimum national standards where these would be supported by evidence to demonstrate that they are achievable and viable.

14c The policy on renewable energy will support the delivery of renewable and low carbon energy.

We agree that the policy will support the delivery of renewable and low carbon energy projects. However the language used in **Paragraph 152** should be strengthened in order to clarify the central role LPAs have on deployment of renewable and low carbon energy. With this in mind we suggest the following:

Paragraph 152, Bullet one should start "*develop and seek the implementation of a positive strategy...*"

Paragraph 152, Bullet three should remove "*consider*" and start "*identify suitable areas...*"

Paragraph 152, Bullet three should replace "*maximise*" with "*optimise*" – this is will help emphasis quality of development not quantity'

Paragraph 153 "*does not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy*" - this will clearly increase the number of applications a LPA will need to deal with.

LGA recommend the NPPF includes consideration of the expectations on and responsibilities on developers or potential applicants in submitting planning applications which deal with delivery of renewable and low carbon energy.

Applications for renewable and low carbon energy development will often take longer to determine because of the complexity/sensitivity of the issues or the protracted nature of negotiations. This is in an ideal opportunity for government to lay down some high level principles that set out expectations and responsibilities..

14e 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

Paragraph 153 advises on the approach local authorities should use in determining applications for renewable energy developments and sets out the test for developments proposed outside of opportunity areas.

We note that **Paragraph 153** “does not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy” it does require applicants to demonstrate that the proposed location meets the same criteria used by the authority for identifying opportunity areas.

LGA strongly welcomes this latter emphasis and we suggest that this principle is adopted across the whole NPPF document.

For example, we call for a shift of emphasis in the final framework, where if technical feasibility and “acceptable returns” are genuine obstacles, then the onus should be on the development applicant to provide evidence in a form that can be tested by the LPA. The key point is that the sustainability of any new development should not be subject to being ‘negotiated away’. In this sense viability must work both ways.

14g The policy on flooding and coastal change provides the right level of protection.

We agree it will be for individual local authorities in England to make their own decisions about policies for controlling flood risks, balanced against economic, social and environmental factors. As we have mentioned earlier in the briefing, where there is strong and specific consensus around the need for common approach amongst stakeholders, then appropriate sector groups working together should define and lead any technical guidance on that approach. The LGA is already involved in various working groups on common approaches and sector assistance.

Although not directly related to flooding but an important aspect of the Floods and Water Management Act 2010 (FWMA) is the issue of Sustainable Drainage systems (SUDs) and the role of the proposed new SuDs Approval Bodies (SABs). The read across between NPPF and FWMA is not clear. SABs potentially add a further level of control into the planning system and goes against the aims of the NPPF to streamline the planning process. We recommend government clarifies this situation, as councils are currently expected to commence their new responsibilities from 1st April 2012.

NATURAL AND LOCAL ENVIRONMENT

15a Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

It is important that any future the NPPF contain proposals fully take into account the Government’s national environmental priorities, if the positive ambition of the Natural Environment White Paper (NEWP) is to be realised.

Paragraph 130 – 132 The new green spaces designation is a very helpful new tool to enable communities to protect and create valued green spaces. It is important however that this is done in the context of locally set strategic priorities.

HISTORIC ENVIRONMENT

16a This policy provides the right level of protection for heritage assets.

No major comments - These sections seem broadly consistent with PPS 5

SECTION C: ADDITIONAL COMMENTS

1. PLANNING FOR TRAVELLERS

- 1.1. **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?**
- 1.2. The LGA welcomes the incorporation of planning policy on traveller sites into the NPPF. We note however that the draft planning policy statement for traveller sites contained significantly more detail and policies than other policy areas covered in the draft NPPF and the format of the two documents are very different. We are keen to ensure there is sufficient scope for stakeholders to consult on this.
- 1.3. The LGA submitted a comprehensive response to the Planning for Traveller Sites Consultation (August 2011) www.lga.gov.uk/planning
- 1.4. The local plan remains the logical mechanism for any targets to be set. In public examination of the local plan local authorities must be prepared to defend the evidence base and reasoning that led to their proposed targets
- 1.5. We highlighted an issue with the use of historical rates to assess need. Planning for local need should not simply be a measure of demand – it should also be a measure of opportunity. Care therefore needs to be taken in the interpretation of historical trend data to avoid simply imposing higher targets on areas of past high incidence of traveller encampments, leaving those areas with a low incidence of traveller encampments avoiding their responsibilities to provide an equitable share of sites.
- 1.6. Currently there are policies in Planning for Traveller Sites that are, quite correctly, not consistent with the policies in the housing chapter of the NPPF. Whilst the NPPF states that planning permission for housing should be granted where a local authority can not currently demonstrate a 5 year supply of housing (**Paragraph 110**), Planning for Traveller Sites" states that where a 5 year supply can not be identified, temporary permissions should be favourably considered (Paragraph 26).
- 1.7. The LGA for example did not support the proposal that local authorities should be required to identify and maintain a 5 year supply of deliverable gypsy and traveller pitches to meet identified need.
- 1.8. Overall, **a five year target for meeting outstanding evidenced need is reasonable for the first round of plan-making** following the coming into effect of the NPPF, but the concept of a rolling 5 year supply thereafter is not necessarily appropriate to this very specialist form of residential accommodation. A **commitment to monitor outstanding need on a reasonable frequency** - along with an indication as to what the government considers to be a reasonable frequency - would be more useful.

2. SPECIFIC COMMENTS ON THE IMPACT ASSESSMENT

- 2.1. There is an important overall issue here in that the impact assessment only focuses on the acknowledged changes to policy, not on the collective impact of the NPPF as a whole.
- 2.2. At the very least the Government should undertake a 'light touch' appraisal of sustainability of the document (similar to that undertaken for National Policy Statements on Infrastructure)
- 2.3. The NPPF Impact Assessment recognises that local authorities will incur additional costs as a result of the proposals in the NPPF. These include the costs associated with the need to provide information to other local authorities and partner organisations under the 'Duty to Cooperate' and those arising from the need to fill policy gaps e.g. parking standards for major non-residential developments and developing an evidence base to justify a community facilities policy. Under the new burdens policy, additional cost incurred by local authorities as a result of revised national policy should be funded by central government.

3. SPECIFIC COMMENTS ON NATIONAL PARK PLANNING POLICY .

- 3.1. The NPPF should recognise National Park Authorities (NPAs) undertake planning within protected landscapes to deliver national park statutory purposes. NPAs should be given local flexibility within the NPPF to be able to achieve this in a way which reflects local circumstance.

3.2. Sustainable Development in National Parks.

We are looking for clarity in the NPPF that development that is likely to have a significant adverse effect on national parks statutory purposes would not be sustainable under the presumption in favour of development (as SAC and SPA sites are).

- 3.3. This does not mean that development will not necessarily go ahead, but it would recognise that if significant adverse effects are likely then to apply the presumption would be inappropriate.

3.4. Supporting established planning principles.

- 3.5. We look to Government to include the sentence from PPS7 on National Parks/AONBs and Broads as having the highest level of protection. This is omitted at present, and represents a weakening of protection for these places.

3.6. Meeting local needs housing.

- 3.7. It is important to clarify that NPAs need to respond to meeting local needs housing rather than housing demand. It is not appropriate for a National Park to have a 5 year housing supply, or to have policies based on market demand. Instead we look for continuing support for the rural exceptions policies that are used in NPs. Without this provision, affordable housing in NPs will simply dry up, and values will increase significantly – exacerbating the problems of affordability.

3.8. Supporting rural economic development.

- 3.9. We would like to see recognition that a high quality environment is the underpinning for much economic prosperity, rather than to see the environment simply as a constraint on development.