

NATIONAL PLANNING POLICY FRAMEWORK Frequently Asked Questions

Updated November 2011

Question: It has been claimed that the planning system currently operates as though there is a 'default no' to development. Is the planning system a barrier to growth?

Answer: The Government's own statistics show that over the last decade at least 82% of planning applications have been granted planning permission by district planning authorities. In 2010/11 86% were approved.¹ For major and minor office, research and light industry applications 90% of applications were approved in 2010/11².

Even in National Parks, where planning restrictions are meant to be very strict, 71% of applications for major residential schemes got permission in the year ending March 2011.³

This leads us to question Government claims that the planning system is a barrier to growth. Yes, some planning applications are refused but it is perfectly legitimate for the planning system to say no to inappropriate or unsustainable development. Indeed the system must be able to say no when necessary.

In order to deliver sustainable development we can all agree that the planning system needs certainty and clarity. Lack of clarity in local and national planning policies can sometimes slow down the planning process. We believe that the draft NPPF would result in less rather than more clarity and certainty.

Our views were supported by a letter from the Director of the Smith Institute, Paul Hackett, in the Financial Times on 8 September 2011. Paul, who has been a special adviser to planning ministers, states that he was asked to investigate Treasury claims that the planning system was a barrier to growth. He said he 'failed to find any convincing evidence, other than planning controls holding back speculative development by developers and out of town supermarkets and hoteliers.'

Question: There is a shortage of housing in this country. If CPRE doesn't want any development where will people live?

Answer: CPRE is not anti-development. We believe the country needs the right kind of development in the right place. We strongly support the regeneration of urban areas through housing and economic development and we do not argue that every square inch of green fields must be sacrosanct. We recognise the need for more housing, and in particular affordable rural housing, and we want a planning system that will help meet these needs.

We are arguing for a NPPF that will promote genuinely sustainable development and requires local authorities to prioritise the use of previously developed land, where available and appropriate, before the use of greenfield sites. Regardless of claims by developers and the Government this would not unduly constrain the amount of land available for housing development. As our recently published research on brownfield land *Building in a Small Island* highlights, in England there is sufficient brownfield land available and suitable for residential development for almost 1.5 million new dwellings. This is equivalent to around 6

¹ <http://www.communities.gov.uk/documents/statistics/xls/1929693.xls>

² <http://www.communities.gov.uk/documents/statistics/xls/1929700.xls>

³ <http://www.communities.gov.uk/documents/statistics/xls/1929735.xls>

years' supply at the building rates the Government believes we need and 10 year supply at 2009 building rates. It is also important to note we are advocating a 'brownfield first' approach, not arguing that only brownfield land should ever be used for development.

We also do not agree with those who claim that we must deregulate planning controls in order to kick-start house building. The planning system, including the supply of land, is not preventing housing development. Planning applications are rarely refused, and it is the economic situation, and the lack of effective demand, that means that fewer houses are currently being built.

Question: The Government states that the countryside is protected because Green Belts, AONBs, and National Parks continue to be protected. So why is CPRE concerned about the impact of the reforms on the countryside?

Answer: We continue to raise concerns about the impact of the reforms on the countryside as a whole. The Government response to date has been to claim that specially designated areas will continue to be protected. Yet, we estimate that this will leave approximately half of the countryside without any protection.

We are not arguing for every square inch of countryside to be protected. We accept the need for appropriate, sustainable development in some locations if we are to have a thriving and living countryside. But ordinary, undesignated countryside is of huge value and the onus should be those proposing development to justify the use of such land. Existing planning policy (Planning Policy Statement 4: *Planning for Sustainable Economic Growth*) recognises this and states:

'Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.'

There is no reference to the importance of the wider countryside in the draft NPPF. This omission places much of the countryside at risk.

A Legal Opinion CPRE obtained from John Hobson QC, on aspects of the draft NPPF, also highlights that the Government's claims that Green Belts continue to be protected may not be accurate. The Opinion states:

'In relation to the Green Belt the NPPF states in paragraph 133 that the Government attaches "great importance to Green Belts". Current policy in relation to Green Belts is contained in PPG2 which provides at paragraph 31: "There is ... a general presumption against inappropriate development within them." The NPPF at paragraph 142 expresses the guidance somewhat differently: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in various special circumstances". The presumption against inappropriate development in the Green Belt, which applies now, will not therefore be applicable once the NPPF is promulgated. In my opinion this is a significant change which may weaken the protection that applies to Green Belts.'

Based on existing case law John Hobson makes the following recommendation:

'In my opinion if the government do indeed wish to carry forward the protection of the Green Belt to the same degree as at present, the express presumption against inappropriate development in the Green Belt should be reinstated.'

Question: CPRE has stated that the Government is scrapping the current policy that prioritises the use of previously developed (or 'brownfield') land over greenfield sites. The Government has claimed this is a myth. Why is CPRE concerned?

Answer: The Government claims that the draft NPPF encourages development on brownfield land by stating that 'plans should allocate land with the least environmental or

amenity value'. They go on to claim that this means choosing derelict land when considering where to develop.

The wording of the draft NPPF is not strong enough to ensure that, where appropriate, local authorities prioritise the use of previously developed - 'brownfield' - land. The 'brownfield first' policy has been vital in preventing urban sprawl and the loss of greenfield sites, but also in promoting the regeneration of urban areas, since its introduction in 1995. The Government's claims are undermined by their own Impact Assessment of the draft NPPF which states:

'There is a risk that by removing the target and the priority for brownfield development, Government may be seen to be encouraging development on greenfield land. This risk will be mitigated by continuation of existing landscape and environmental protections, such as Green Belt, Sites of Specific Scientific Interest, Areas of Outstanding Natural Beauty and by implementing the new designation to protect green spaces of particular local importance to communities as set out in the Coalition Agreement' (page 55)(our emphasis).

This once again fails to recognise the importance of undesignated countryside to local communities and the nation.

Question: Ministers have said they want more affordable housing. How can CPRE object to that?

Answer: We agree there is a need for more affordable housing but we believe that the draft NPPF won't deliver this. The draft NPPF states that the cost of any requirements applied to development should ensure that 'acceptable returns' are still available for the land owner and developer. 'Acceptable returns' is not defined and we are concerned that this will undermine negotiations on section 106 agreements regarding the delivery of affordable housing by developers. Section 106 agreements are currently an important means of securing investment in affordable housing. While we recognise the need for development to be viable, the NPPF should not undermine the ability of local planning authorities to require developers, when appropriate, to deliver affordable housing as part of their development schemes.

Question: Some have claimed that the NPPF will be a 'developers charter' while supporters claim it promotes sustainable development. Who is right?

Answer: The Government states that the document seeks to deliver sustainable development. The document repeatedly refers to sustainable development but this is not defined and it uses the term interchangeably with 'sustainable economic growth' and 'development'. These are not, however, one and the same thing.

While we welcome the Government's professed commitment to sustainable development, this needs to be more carefully defined. Without clarity over how sustainability is defined, developers will be able to claim any kind of development is sustainable without effective challenge. While the draft NPPF is meant to be considered as a whole, and it includes policies about protecting the natural environment, it also contains phrases that are deeply worrying such as 'planning must operate to encourage economic growth and not act as an impediment. Therefore significant weight should be placed on the need to support economic growth through the planning system' (paragraph 71). Such wording does not reflect an emphasis on sustainable development and suggests that the Government is seeking to ensure economic benefits of development are given greater weight than the environmental and social implications.

Question: The Government claims it is decentralising and returning power to local people. Will the Framework put local people in the driving seat?

Answer: The Government has argued that the new system will enable communities to decide what areas they wish to see developed and those they wish to be protected, through

their Local Plan. This Local Plan will be developed by the local planning authority, in consultation with local communities, but it will also have to conform to the NPPF. So communities will not have a free rein, they will have to adhere to national policies.

Unless the Government sets out clearly how the transition to the new system will be undertaken we are also concerned that the presumption in favour of sustainable development, as currently worded, will mean that communities are definitely not able to exercise greater control over development in their areas. This is because the presumption will apply to decisions on individual applications where Local Plan policies are out of date, indeterminate or absent. If adequate time is not allowed for local authorities to update their Local Plans to ensure they conform to the NPPF then all plans will be considered out of date on the day the NPPF is launched and, as a result, the presumption in favour of sustainable development will apply across the country. Even where local planning authorities try to refuse planning permission, we fear applicants will seek to appeal against those decisions and we will return to planning by appeal and greater uncertainty for developers, rather than a clearer, more certain plan-led system.

The Government has stated that they recognise the need for transitional arrangements but have not made any specific proposals to date.

Question: Ministers have stated that CPRE has always opposed any planning reform. They also say CPRE has not engaged in the process to explain our detailed concerns. Is this the case?

Answer: CPRE does not oppose all of the elements of the Government's current planning reforms - so it is not true to claim we always oppose everything. CPRE has long argued for greater community involvement in developing plans for local areas and this is a major part of the reforms, which we have welcomed. We have also welcomed the abolition of the Infrastructure Planning Commission and the return of decision making powers to the elected Secretary of State. And we support in principle the desire to enable local communities to get more involved in the planning system, including through a single, streamlined NPPF.

It is not fair therefore to claim that CPRE is opposed to change. But we firmly believe that in reforming the planning system the Government should be seeking to make it better for all parties and to promote development that is truly sustainable.

It is also not true to claim we have not told the Government what we want, or engaged in the planning reforms as they have developed. As long ago as March 2010, when the Conservatives published their Planning Green Paper, *Open Source Planning*, we raised concerns about a presumption in favour of sustainable development if the term was not clearly and appropriately defined. More recently, we submitted detailed comments and specific proposals to the Government in response to their call for suggestions for inclusion in the draft NPPF (February 2011). We also responded in detail to the proposed NPPF published by the Practitioner Advisory Group (June 2011) by sending a lengthy letter to the Minister for Decentralisation. The letter flagged up some serious concerns about the proposals and requested a meeting to discuss these. We received a short, standard response which ignored our request for a meeting.

CPRE
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