

Appendix 1 - NPPF Questions (answers in bold)

Policy Questions

- 1a** *The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Strongly disagree.
- 1b** *Do you have comments? (Please begin with relevant paragraph number)*
There is no practical or succinct definition of “sustainable development” in the draft Framework– it is one of these phrases which sounds good, and is undoubtedly meant well, but which is frustratingly difficult to pin down. Para 12 is unhelpfully vague – “When taken as a whole, the policies in this Framework set out the Government’s view of what constitutes sustainable development in practice, and how the planning system is expected to deliver it.” As with many other aspects of the Framework, this leaves definition of the phrase open to a multitude of interpretations, which in turn could lead to lengthy, complex and expensive claims about proposals and challenges to decisions, adding significantly to delays in processing applications and achieving satisfactory development. If the meaning of “sustainable development” remains strategic and vague, it seems unlikely that many development schemes would fail the test.
There is no guidance, for example, about whether major development on a Green Belt site (some 94% of this district) can ever be considered to be sustainable development. To be fair, para 133 of the draft Framework restates the importance, and supports the permanence, of Green Belts. There is, however, no indication about the relative weighting of this long-maintained policy, which is hugely important to the residents of this district (and which therefore is bound to feature strongly in any localism agenda), against the much newer presumption in favour of sustainable development. Para 14 (3rd bullet point) also raises concerns related in part to the proposed revocation of all extant planning policy guidance. This latter action could mean that new local plans include a range of policies to cover the guidance which is being lost, moving far away from the intention to prepare “succinct” plans more quickly. But the additional threat of granting permission where the new plans are “silent or indeterminate” will only add to the pressure to include policies to deal with every conceivable form of development – thereby adding to their length and complexity, and to the time needed to prepare them.
Para 19 (2nd bullet point) indicates that the default answer to proposals should be yes except where this would compromise the key sustainable development principles of the Framework. This Council believes that this leaves the door open for schemes which would be unacceptable, because of the generality or vagueness of the description, and that many more specific or practical exceptions to the default position should be listed, eg Green Belt, local character etc. The Council could consider the adoption of a local definition of ‘sustainable development’ for use in the new local plan, and this would probably be closely linked to the protection of the Green Belt, but there would be concerns that this could still be challenged by Inspectors at appeals and public inquiries.
- 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.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Agree about some of the clarification. Disagree about one of the original tests and the new test.

- 2b** *Do you have comments? (Please begin with relevant paragraph number)*
 The “justified” and “effective” tests are clear. The “consistent with national policy” test again raises the probable conflict between the presumption and protection of the Green Belt. Both are, or will be, national policies but there will be many occasions (particularly major development) when they cannot be met simultaneously in this 94% Green Belt district. The Framework needs to recognise that these conflicts are going to occur and to provide more guidance about how they should be addressed by local authorities – eg how should the potentially opposing policies be weighted and a much clearer, practical and succinct definition of ‘sustainable development’ would be a necessary start.
 Officers are very dubious about the value and purpose of the new test. The existing ‘justified’ and ‘effective’ tests already seem to cover the ‘positively prepared’ aspects. With the “duty to co-operate” provisions of the Localism Bill shortly to become law, officers are uncertain about what the new test will separately achieve – it does appear to be a case of unnecessary duplication.
- 2c** *The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together.
 Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree.
- 2d** *Do you have comments? (Please begin with relevant paragraph number)*
 This authority has significant experience of a range of cross-boundary working relationships. There are basically two problems which the Framework does not adequately address: (a) reluctance at political level by an authority to participate – this could lead to problems at examination, which seems harsh if the reluctance stems from elsewhere, outside the control of the affected authority; (b) resource issues – this Council adjoins ten other lower-tier authorities, plus Herts County Council and the Greater London Authority. Adding in LEPs and other statutory agencies (eg the Lee Valley Regional Park Authority) not only increases the complexity, but potentially makes the ‘duty to cooperate’ a time-consuming and expensive requirement, especially if this could involve joint policies and/or informal strategies.
- 3a** *In the policies on development management, the level of detail is appropriate.
 Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree
- 3b** *Do you have comments? (Please begin with relevant paragraph number)*
- **Para 53 - The primary objective is fine, but sustainable development needs to be defined. The objective should make clear that such development should be directed to sustainable locations to prevent it taking place in the Green Belt. The shift away from development control to development management is because “control” is seen as too restrictive, requiring all aspects of a proposal to meet certain relevant criteria. Rather than being a hindrance, it should be acknowledged that development management has a positive role to play in shaping the landscape, protecting amenity etc.**
 - **Para 54 - A positive rather than a negative approach to development proposals needs to run through all levels of the decision-making process of development management and this should be highlighted here. The “practical” solution (1st bullet point) implies this is acceptable even if it is the wrong decision and therefore it should be replaced by “appropriate”. Looking for “solutions” to “problems” would read better here if it was acknowledged that this could be at the expense of the turn-around time measure of planning applications. The para implies that permission should be given for economic and housing growth without exception. There should be a proviso that this should only be the case**

where there is no clear harm to amenity or other interests of acknowledged importance. The proactive role is too heavily weighed towards the Council when surely it is a two-way process of negotiation and collaboration with applicants, who after all employ an agent in more complex cases to find solutions. This two way accountability/responsibility should be clearly stated.

- **Paras 54 and 56 - To achieve the four bullet points in para 54 and good quality pre-application discussion requires a lot of early engagement which will stretch resources and require Members to be available to play a more active role at this stage.**
- **Para 57 - To achieve the goals set out in this document, this could be made tighter so that pre-application and community engagement are made a pre-requisite before major and some minor type planning applications are submitted.**
- **Para 58 - Agree that early engagement and consultation with statutory consultees will bring benefits, but highway reasons in particular can be contentious and hard to accept when an application is decided by Members at planning committees. Local authorities are going to require improved resources to make this an effective process. The reference in the last line to building and operating development is strange in this document and it is not clear if this is just a reminder that there is other legislation that governs whether development actually comes forward.**
- **Para 60 - Planning performance agreements: question whether they result in a faster and effective application process as adherence to an agreed timetable will be dependent on response from statutory consultees, level of objections etc.**
- **Para 63 - The sentence should be completed with the following wording: “...where it does not conflict with other relevant land use policy, including, where appropriate, the protection of the Green Belt.”**

In summary, there is real concern that the presumption in favour of sustainable development will be seen by developers as a means of gaining planning permission for economic and housing growth even if there is conflict with the Green Belt etc. In fact, there is no mention of the Green Belt or any other restrictions. There will also be pressure on the local authority to be responsible in designing development proposals at pre-application stage to find a solution to the point that the authority is performing the role of not only the decision maker, but also the architect/planning consultant. The content needs changing to clarify that the process has to be a two-way collaboration between the local authority and the applicant/developer if solutions are to be found. There is such a strong emphasis on pre-application engagement by the planning authority almost to the point that otherwise there could be a cost claim in the future should the matter go to appeal. The Framework also needs to be accompanied by a separate good practice guide to cover issues such as material considerations and use of planning conditions/obligations. There is also no mention of enforcement, which is of concern.

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

Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Disagree.

Our position is that there is yet again a lack of definition, as ‘light touch’ is not defined. Would the light touch guidance provide enough clarity for the purpose of determining applications and give applicants the necessary information in order to submit a successful application? In other words it will be acceptable if light touch guidance includes enough advice to give a clear steer to applicants, but if it leads to ambiguity then it would raise concerns. The Government should accept that going from the level of guidance we currently have to a light touch guidance system,

requires careful and meticulous work and reviews. The Council would be in a better position to comment if it could see what was being proposed and had sufficient time to examine the proposed versus the existing. This last point would lead to the need for a second consultation to identify the soundness of the Framework on the basis of the reviewed guidance. There is also concern that the NPPF gives no indication of how to identify organisations deemed appropriate to provide planning guidance to support the Framework.

- 4b** *What should any separate guidance cover and who is best placed to provide it?*
In the (net) 950 pages of existing guidance proposed for revocation, this council is bound to have relied on many examples of that over the years in reaching decisions on applications. It is not easy to think of specific examples, and the consultation period certainly does not allow time to check on the value of any guidance that is being lost. Unfortunately its absence is likely to be noted only when it is most needed. The Council believes that the level of detail required in any new guidance will depend on the issues or subjects being addressed. The relatively rapid move from a wide range of detailed guidance to a much shorter and more generalised document will make planning authorities vulnerable to development pressures. There should be no problem with additional guidance coming from organisations outside Government as long as there is official recognition of the weight it will be given at appeals, inquiries etc – this includes the powers of the Planning Inspectorate, ie would Inspectors be required to give it the same weight as Government guidance. The Council would like to give a detailed response to Q4b, but the consultation period is wholly inadequate for this purpose. Much further consideration must be given to existing bodies such as English Heritage, Natural England and others, in playing a key role in developing guidance and adopted best practice for all areas.
- 5a** *The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree.
- 5b** *Do you have comments? (Please begin with relevant paragraph number)*
The need for economic development to be evidenced is retained in the draft NPPF. What is currently unclear is how the Framework will encourage sustainable economic growth and activity, especially where there are strong competing demands for suitable land, as is the case for this district.
Para 74 is confusing. The Government has indicated that planning should have a local character, and local authorities and groups will inform positive local plan policies on that basis. It would therefore seem appropriate that this paragraph would give more weighting to local evidenced policies that should by definition be in line with the Framework. This para seems to imply that there may be cases where local policy will not be consistent with the Framework, which cannot be the case. The Council therefore recommends that the para should read "In considering applications for planning permission, local authorities should apply the presumption in favour of sustainable development, give due consideration to local planning policies, and be consistent with the Framework." Anything else completely undermines local policy.
- 5c** *What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?*
Market signals include data such as land value, numbers of homes built, house prices etc. This is useful information for policy making, but the signals need to be used in conjunction with other information such as demographics, interest rates/bank loans, employment forecasts, income trends (arguably market signals), housing waiting lists, private sector investment etc, in order to determine appropriate levels of housing and

employment growth. A Government reviewed demographic/market based forecast model that can be used by all local authorities is the best way forward. Policies could be periodically reviewed and reasonably adjusted both nationally and locally to address needs and rebalance the market when the forecast model indicates a substantial consistent change. Market signals do not deal with viability, e.g. the fact that there is a demand for a certain type of office development does not automatically mean that, in this district, with a finite amount of appropriate development land and competing land uses, the answer to this form of development is 'yes'. There will be questions about site appropriateness, feasibility of delivering supporting infrastructure, as well as whether there is another identified use for the site that is more in line with local desires and evidenced need.

- 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. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree.
- 6b *Do you have comments? (Please begin with relevant paragraph number)*
Para 76 has 7 bullet points, in which shopping, commercial and community uses are mentioned once, and residential, retail and leisure twice. The fifth bullet point stresses that "It is important that retail and leisure needs are met in full and are not compromised by limited site availability." It is only when pages 34-37 of the Impact Assessment are read that it becomes apparent that the intention is to remove office development from the 'Town Centre First' policy. Quite apart from the fact that question 6a is therefore quite misleading with its casual mention of "business" with no definition of the uses this includes, the Council feels that, with the currently ambiguous "presumption in favour of sustainable development" principle, any lack of a standardised sequential approach to assessing viable sites for offices would simply lead to development in areas previously deemed inappropriate. Lack of best practice guidance and specific Framework policies (again in view of the "presumption") will mean that any local policies will have few 'teeth'. The fifth bullet point (referred to above) continues "Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites" – this is in the context of making full provision for retail and leisure needs. In a Green Belt authority, competing land demands mean finite land supply, even with a strategic review of (inner) Green Belt boundaries. It is unfortunate that town centre extension is promoted as the first viable option in the draft NPPF. The Council would like to see emphasis being placed here on (a) the importance of mixed-use development, as in the current PPSs; and (b) preference for anti-sprawl/compact major redevelopment for town centres and urban areas, and other methods of development intensification, instead of what can be seen as sprawl inducing policy as is currently proposed in the draft Framework. Anything else is not sustainable planning, not only in Green Belt authorities but nationwide.
- 7a *The policy on planning for transport takes the right approach. Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree
- 7b *Do you have comments? (Please begin with relevant paragraph number)*
Most of the objectives and broad aims in the transport section are reasonable, for example in paragraph 82, 'The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel '. However, statements are coupled with caveats to the point where they have no power, for example paragraph 83, 'the planning system should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable

modes of transport'. Why is it unreasonable to support sustainable modes of transport in every case? Clearly the same results cannot be achieved in an isolated rural area as in a well connected urban one, but the aim to 'support' sustainable transport should still be in place. The Council welcomes the suggestion in paragraph 92 that in large scale developments, key facilities like primary schools and shops should be within walking distance of most properties.

There appears to be an overall emphasis on facilitating sustainable transport, but only if it is convenient and cheap to do so. Clearly Government has an emphasis on boosting the economy in the current climate; however this might still be achieved with a more strongly worded transport policy. For example, paragraph 84 states that one of the two objectives of transport policy is to 'facilitate economic growth by taking a positive approach to planning for development'. Surely it would be more appropriate for this to read, 'facilitate economic growth by taking a positive approach to planning for development in sustainable locations'. No definition is given in the document of what a sustainable location would be, but this could perhaps be based on Public Transport Accessibility Level (PTAL) or on an expanded version of 'pedestrian catchments' as advocated in the CLG's SHLAA Practice Guidance (2007) based on distances to transport links and services.

The suggestion that local criteria should determine whether development would generate 'significant amounts of movement' (paragraph 86), and thus determine whether a Transport Statement or Transport Assessment is required, appears sensible, but will require significant resources to research and put in place. This paragraph also mentions transport network improvements 'that cost effectively limit the significant impacts of the development...development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account'. There is no definition of 'severe' residual impacts. This seems to be prioritising housing and economic growth over almost all negative impacts of development, except in very extreme cases. How severe would impacts from e.g. increased congestion need to be, to be considered 'severe'? Surely sustainable development should consider the needs of the environment as much as the needs of the economy and society?

Although it is stated within paragraph 32 that 'We take our responsibility to cut greenhouse gas emissions and protect the environment very seriously', it does not appear that the draft NPPF places much weight on the reduction of carbon emissions from transport. Weak language is again used in paragraph 83, 'Where practical, encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion'. Surely it is possible to encourage a reduction in emissions in all locations but the most rural. The former aim in PPG13 to 'reduce the need to travel, especially by the private car' has disappeared, to the detriment of the draft NPPF. The 'environmental' strand of the three part definition of sustainable development given in paragraph 10 advocates 'moving to a low carbon economy'. In 2008, road transport accounted for 26.63% of the total CO2 emissions per capita in Epping Forest District, and 30.67% of Essex as a whole. One of the most effective ways that the planning system can reduce carbon emissions is by directing development towards sustainable locations close to transport links, thus reducing the need for private car journeys.

The draft NPPF requires that local authorities set their own parking standards. Whilst this would require further resource, it would allow for local conditions to be addressed. However it is stated that account should be taken of local car ownership and the need to reduce the use of high-emission vehicles. Local authorities are not able to directly influence residents to choose lower-emission cars, and local car ownership is only surveyed once every 10 years within the national Census. Clearly adjoining authorities must continue to work together on necessary, large scale transport infrastructure. However, who will mediate if adjoining authorities do not

agree, as often happens, for planning and/or political reasons. Will the 'duty to co-operate' within the Localism Bill be strong enough to ensure the delivery of necessary strategic infrastructure?

Officers are concerned that the emphasis on links between different modes of transport, i.e. interchanges, as seen in PPG13 is missing. Furthermore, the need to improve rural transport is given less emphasis. Without such an aim, although urban areas may become better served by transport links, those in rural areas will become more isolated.

Within the 'presumption in favour of sustainable development', the definition of 'sustainable development' should incorporate reference to the development being at a sustainable location for transport links.

There is no mention of the local transport plan in the draft NPPF; surely this should be an essential element of planning for transport at a local authority level?

- 8a *Policy on communications infrastructure is adequate to allow effective communications development and technological advances.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Disagree
- 8b *Do you have comments? (Please begin with relevant paragraph number)*
More guidance and specific and substantial local policies will be required locally. Should new developments be required to include ultra-fast broadband?
- 9a *The policies on minerals planning adopt the right approach.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
(This district is not a minerals authority so no answer is proposed to this question).
- 9b *Do you have comments? (Please begin with relevant paragraph number)*
(This district is not a minerals authority so no answer is proposed to this question).
- 10a *The policies on housing will enable communities to deliver a wide choice of quality homes, in the right location, to meet local demand.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Disagree
- 10b *Do you have comments? (Please begin with relevant paragraph number)*
See the answers to QB3.1 to QB3.4
- 11a *The policy on planning for schools takes the right approach.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Strongly disagree
- 11b *Do you have comments? (Please begin with relevant paragraph number)*
The Government guidance is currently lacking. Further information is required, including specific guidance from Government on a standardised approach to identifying school provision on the basis of new home delivery levels.
- 12a *The policy on planning and design is appropriate and useful.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Disagree
- 12b *Do you have comments or suggestions? (Please begin with relevant paragraph number)*
Para 116 – the generic wording offers little in the way of supporting the formulation of "robust and comprehensive" policies. Advocating good sustainable design in order to (a) protect and enhance the character of areas and (b) promote good practice requires

robust design codes. It is promising that the draft NPPF makes reference to these codes (para 117), but more guidance is clearly needed for this to happen consistently. There is no mention in the Framework of how local authorities should go about producing such guidance, and more importantly, Government suggestions for, or recommendations of, good practice.

Sustainable development is stressed as a key component of the Framework, however the words 'sustainable' and 'design' are not used in the same sentence, nor are concepts like 'sustainable urbanism' mentioned (residentially led mixed use growth, of mixed tenure and housing types, walkable neighbourhoods/town centres promoting sustainable travel and creating opportunities for a range of work/lifestyle choices without compromising the character and nature of an area). Sustainable technologies and their application to urban/rural design and housing are completely and worryingly absent from the Framework, with the exception of a passing mention to SuDS (Sustainable Drainage Systems). Officers believe that, in promoting itself as the "greenest Government yet", the Framework as a key planning document should set out aspirations and guidance regarding good sustainable housing design and other development. As it currently stands the various strands of sustainability seem to be not only undefined but disparate and confusingly unconnected within the document. The Council recommends there be a clear mandate from Government for local authorities to develop relevant sustainability policies in relation to urban design and housing, above and beyond existing statutory requirements and where these would not impede growth. At the very least as in the PPSs, there should be a clearer intention from Government to promote sustainable design and encourage proposals which incorporate features intended to maximise sustainability and energy efficiency, including the use of renewable energy sources such as solar panels etc. Reference also needs to be made to appropriate and useful guidance and best practice such as Building Research Establishment Environmental Assessment Model (BREEAM), Eco Homes (environmental rating for houses) and Civil Engineering Environmental Quality Assessment (CEEQUAL).

13a *The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.*

Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Strongly disagree

13b *Have you comments to add? (Please begin with relevant paragraph number)*

While para 134 retains the five purposes for including land in the Green Belt, and para 133 defines the essential characteristics as openness and permanence, it is frustrating that the relationship between the presumption in favour of sustainable development and the protection of the Green Belt is not addressed at all in the draft NPPF as a whole and in particular in this section. If openness and permanence are essential characteristics, then surely any development which challenges these (including infrastructure projects such as new roads), or which would have adverse effects, must by definition not be sustainable development. This approach is used in para 170 of the draft NPPF in relation to development likely to have significant effects on sites protected under the Birds and Habitats Directives. In public, and as reported in the media, Government ministers have stated on a number of occasions that the NPPF is intended, and will continue, to protect the Green Belt. The Council suggests that a new para should be added to the Green Belt section of the final NPPF along the lines of: "When considering a development proposal in the Green Belt which is likely to have a significant effect on any of the five purposes of including land in Green Belts, a planning authority may assume that such a proposed development would not be sustainable under the terms of the presumption in favour of sustainable development, unless it is accepted that very special local circumstances apply." This is considered to be particularly important for this district where, in the absence of

clearer guidance about “major developed sites” or “similar sites”, there is real concern that the policy change (i) discussed on page 71 of the Impact Assessment could be applied to the extensive areas of glasshouses in this district, all of which are in the Green Belt.

14a *The policy relating to climate change takes the right approach.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree

14b *Do you have comments? (Please begin with relevant paragraph number)*
Various paragraphs: the wording for the policy is vague and does not strongly encourage local planning authorities to push hard for sustainability or “radical reductions in greenhouse gas emissions”. Phrases such as such as “should aim to” (para 148) and “should recognise” (para 152) may encourage decision-makers to be dismissive of the policy and not give due consideration to climate change impacts in planning applications.

Paragraph 153 (2nd bullet point) is similarly weak, stating that “When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and: approve the application if its impacts are (or can be made) acceptable”

The definition of “acceptable impact” is unclear in the draft Framework. This leaves room for pressure from local ‘not in my back yard’ attitudes to prevail, with the strong possibility of sound sustainable development being refused without genuine reason for refusal or consideration for the bigger picture. It would be helpful if there was a list of impacts that are acceptable and unacceptable, to guide the decision making process.

14c *The policy on renewable energy will support the delivery of renewable and low carbon energy.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree

14d *Do you have comments? (Please begin with relevant paragraph number)*
No comment

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.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree

14f *Do you have comments? (Please begin with relevant paragraph number)*
No comment

14g *The policy on flooding and coastal change provides the right level of protection.
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?*
Disagree.

14h *Do you have comments? (Please begin with relevant paragraph number)*
The absolute basics are covered, but the rush to condense material pre-supposes that those reading or using the Framework have a more than basic knowledge of flooding issues – this may be problematic in negotiations with developers once the (much)

more detailed national guidance is abolished. This could impact upon officer time and resources.

- 15a** *Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Disagree
- 15b** *Do you have comments? (Please begin with relevant paragraph number)*
Officers believe that the draft NPPF is a curate's egg as far as this subject is concerned. The NPPF does not generally support biodiversity concerns as strongly as the current PPS9 (Biodiversity and Geological Conservation: 2005) and is significantly weaker than the recent Government White Paper on the Natural Environment (The Natural Choice: securing the value of nature: June 2011). In this context, the NPPF could at least have used the same language, if not taken further, the more positive approach in the White Paper, eg para 11 of the Executive Summary states "We will put natural capital at the centre of economic thinking and at the heart of the way we measure economic progress nationally." Instead the emphasis in the NPPF has changed, giving priority to granting permission for development, with an inherent downgrading of environmental interests. Para 165 states, inter alia, that "Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits ..." This is a long way from some of the key principles of PPS9: "Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests" (para 1(ii)); "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests." (para 1(vi)).
- 16a** *The policy provides the right level of protection for heritage assets.*
Do you strongly agree/agree/neither agree nor disagree/disagree/strongly disagree?
Disagree
- 16b** *Do you have comments? (Please begin with relevant paragraph number)*
Officers are concerned about the lack of guidance and defined requirements for applicants. There is no mention of 'Heritage Statements', a current requirement for application submissions, which are very important in ensuring the protection of heritage assets. They establish clear requirements and responsibilities for protecting and managing historic areas and buildings. As written, the draft NPPF offers very little in the way of support or guidance to applicants and the general public. For local authorities it creates difficulties in securing robust policies to enable controlled development in conservation areas or defending heritage assets from inappropriate development as there is too much scope for appeals. There is also an apparent reduction in the requirement for developers/applicants to provide justification, but more onus on local authorities to do so. Terms such as 'special interest' (para 179) and 'no more than is sufficient' (para 180) in relation to application supporting documentation, are not defined and are consequently vague and confusing, leaving the door open for detailed legal challenges. Unless the Framework points to best practice guidance to assist in setting requirements and policies to reflect the local importance of historic assets, this lack of clarity will lead to contention and delays in processing applications. Para 181 is similarly vague, with no definition of what is meant by 'the particular significance'. Para 183 – officers are concerned about the emphasis being given to grade II listed buildings and historic parks and gardens, but no specific mention is made of conservation areas or locally listed buildings.

Para 184 is again vague, creating further opportunity for lengthy disagreement and debate, and adding to delay in taking decisions on applications. What will be considered a 'public benefit' and how will it be argued that the 'benefit' outweighs the harm to or loss of a heritage asset? Importantly, it should be a requirement of the applicant to provide substantive evidence that 'no viable use of the heritage asset itself can be found in the medium term, (as per bullet point two of the same paragraph).

Para 185 again highlights the likely conflict between the presumption in favour of sustainable development and the localism approach. The Council interprets this paragraph as saying, in effect, that any 'non-designated' heritage asset will, more often than not, not be taken into account because of the paramount importance of the development agenda. The local authority's 'balanced judgement' will be open to question and challenge as there are no criteria or guidance on methodological assessment sanctioned by the Government to give appropriate weight to the value of the non-designated assets. Local authorities should be able to set their own criteria for these type of assets, therefore setting out the parameters of a 'balanced judgement'. But, even if this is the case how will this be assessed against the national presumption?

As currently worded, para 191 could easily lead to the loss of heritage assets without sufficient recording taking place. Its last sentence nearly nullifies what precedes it – "However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted". The Council believes that, unless developers successfully record the significance of assets that will be lost to development, permission should not be granted.

If the localism agenda is going to mean anything as far as built heritage is concerned, the Council contends that stronger protection is needed for (a) locally listed buildings; and (b) use of materials in conservation areas. Local authorities should also be able to set enforceable minimum information requirements for Heritage Statements.

Emphasis should be placed on Councils having robust policies that can effectively manage development in line with the needs and wishes of the district and the local community.

Gypsy Roma Traveller (GRT) Sites

The following question has been sent separately by CLG with the same deadline for response:

- 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?*
- The Council is very concerned (as noted in the answer to Q13b above) at the lack of steer in the draft NPPF on how to judge between the sometimes competing aims of protection of the Green Belt and the presumption in favour of sustainable development. It is very likely that future applicants for new GRT sites in the Green Belt will argue that their proposals are 'sustainable', when in fact they may not really be sustainable at all, for example in terms of location, transport and access to services. The Council also feels that land supply for GRT pitches is very different to land supply for bricks and mortar housing, and thus requires a different approach. It would be almost impossible to produce a 5 year land supply for GRT sites as so little information is available on likely deliverable sites, let alone the requirement for an extra 20% of sites to be identified for the 5 year period. Please see the enclosed Council response to the recent CLG consultation on "planning for traveller sites" for more detailed comments.**

Impact Assessment Questions

17a *Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework? (NB this question is included in the Policy section of the consultation, but it seems to be more appropriate to include it here)*

The impact assessment suggests that it may cost up to £2.2m nationally for local Councils to familiarise themselves with the NPPF. A quick calculation involving an assumption of 2 hours reading, at an average cost of £51/hour for each officer (estimated from recent CIPFA analysis) for about 20 staff, leads to a total for this authority of around £2,000. When elected Members are included this increases to roughly £4,000. This total, and the number of authorities in the country (roughly 320), suggests a total of £1.92m that the £2.2m estimate is reasonable. However, the assumption in the impact assessment is that officers and Members read the document once, and never have to refer to it again. In reality, both groups would need to read and interpret the document frequently, referring back for details on policy, and in order to judge individual applications. This would take considerable time, which is not factored in to the calculation.

Officers note that the impact assessment does not include the potential positive effects of reducing the physical volume of planning policy, as the NPPF will replace the vast majority of PPGs and PPSs. Surely this would reduce CO₂ emissions by saving paper, and by reducing energy used on reading through policy documents online.

The analysis of appeal costs etc. are based on the current low economic cycle, which is concerning. Furthermore, the impact assessment suggests that appellants spend on average three or four times longer preparing their statements etc. than local authorities do. It is accepted that appellants will take longer than the authority, but not this much longer.

Costs and benefits

QA1 *Views are welcomed on the Impact Assessment and the assumptions/estimates contained within it about the impact of the Framework on economic, environmental and social outcomes.*

The Council is concerned that the Framework may not have the intended wider positive environmental outcomes, if the presumption in favour of sustainable development is seen as paramount and above environmental objectives. It is also clear that the Government feels that the success of the new planning system and its efficiency are dependent on community participation and neighbourhood planning. This is a dangerous assumption for this district as the majority of key stakeholders are unlikely to be pro-growth. The social outcomes are therefore unlikely to be what the Government currently desires. This is unless, via the New Homes Bonus and other incentives, local communities can see the benefits of development in their area that are of a nature and scale which are in keeping with their settlements. The costs of producing neighbourhood plans is also a contentious point. In a time when district and local councils are required to work increasingly efficiently, the additional costs of between £17-63,000 per plan for town and parish councils, and the referendum and officer time costs for the district council (fully parished with 24 town and parish councils) seem hard to justify. The Council believes that the Government needs to give more consideration to the actual costs of community planning as it is central to the success of the NPPF.

The NPPF does not generally support biodiversity concerns as strongly as the current PPS9, and is significantly weaker than the recent Government White Paper on the Natural Environment. This is a concern which has not been identified in the Impact Assessment.

- 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 Framework?*
There is an assumption that the NPPF will be a simplification of processes, but this Council is not sure this will be the case. There is a concern that there will be an increase in number of appeals due to some ambiguity around the presumption in favour of sustainable development. In this case total costs for the Council could be substantial as would be the amount of collective officer time spent. This is of great concern for many Councils and others as reported in the media, as this response is being drafted.
- QA3** *Are the assumptions and estimates regarding wage rates and time spent familiarising with the Framework reasonable? Can you provide of the number of agents affected?*
At this time this estimate is not possible.
- QA4** *Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?*
The impact assessment suggests that the NPPF would save each local authority roughly £2m, when this Council's entire Development Management function costs less than £2m annually. How can the NPPF possibly save this much per year?
- QA5** *What behavioural impact do you expect on the number of applications and appeals?*
Higher number of applications but also a much higher number of appeals is anticipated
- QA6** *What do you think the impact will be on the above costs to applicants?*
At this time this estimate is not possible.
- QA7** *Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?*
To re-iterate that the reduction of the amount of National Guidance will create more issues than be of benefit. The Council strongly feels that there is a middle ground between existing lengthy policy and guidance, and the proposed Framework where its generality and vagueness will cause ambiguity and confusion. The Council would like Government to reconsider its approach.

Sustainable Development

- QB1.1** *What impact do you think the presumption will have on:*
1. *the number of planning applications;*
 2. *the approval rate; and*
 3. *the speed of decision-making?*
- Once the current economic situation eases, the number of applications is likely to increase. The approval rate will be dependent on whether they satisfy adopted policies, including Green Belt, in the context of the presumption. The speed of decision-making seems likely to fall, given the probable complexity of arguments trying to explain whether proposals amount to sustainable development. Even with an up-to-date local plan in place, the speed of decision-making is not likely to increase, given the probable complexity of arguments likely around defining whether major proposals actually are sustainable development – this seems likely to be a key bone of contention for most, if not all, Green Belt authorities.**
- QB1.2** *What impact, if any, do you think the presumption will have on:*
1. *the overall costs of plan production incurred by local planning authorities;*
 2. *engagement by business;*
 3. *the number and type of neighbourhood plans produced?*

Costs of production are likely to increase if the local perception is that the balance between sustainable development and protection of the Green Belt is wrong. This is likely to increase significantly the number of objections to a draft local plan. Business in its widest sense (ie including house-builders and other developers) should have increased engagement with the local planning process with the presumption in place. In areas such as this district, however, where protection of the general environment is a key issue for the local community, this in turn will increase engagement by town and parish councils and other local interest groups, leading almost inevitably to increased cost of production of local plans.

At this early time in the life of neighbourhood plans, it seems more probable that there will be little take-up – the main priority of local communities is to restrict development with the intention of protecting the environment. Plans whose purpose is to promote growth are unlikely to generate interest at a local level. The price-tag identified on p29 of the impact assessment will be a huge turn-off.

The impact assessment suggests that the presumption in favour of sustainable development will achieve significant cost savings, for businesses, communities and local authorities. It could be argued that a kind of 'presumption in favour' existed both in the 1980s through the introduction of Circular 14/85 on 'Development and Employment', and in the 2000s through S54a of the Town and Country Planning Act. It does not seem that any significant cost savings were made through these past measures, so why would they be made now?

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?*

Officers have little doubt that the balance will strongly favour economic and social outcomes, even in a district such as this where the local community values the environment so highly.

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

Linked to QB1.1, officers think that the number of appeals is likely to rise once the economic situation improves. This will depend on the interpretation of “sustainable development”, and whether the final version of the Framework will include a useful and useable definition.

Economy

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

It is difficult to answer the question as the costs and benefits will only be seen after the policy has been implemented and changes are seen on the ground, but the Council would be inclined to answer no. It feels that removing the ‘town centres first’ approach for office development could have a detrimental impact on Green Belt and that this is not mentioned in the impact assessment. The fact that town centre viability may suffer as a result is also not touched on. Office space outside of town centres may require more car related travel and the potential adverse impact on carbon emissions is not picked up on in the impact assessment and is a concern.

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?

The Council feels that 10 years is a better time horizon than 5 as is currently. Whether it is the right time horizon needs to be reviewed.

- QB2.3** *How much resource would it cost to develop an evidence base and adopt a local parking standards policy?*
It is not possible to make a reasonable estimate based on the information available in the draft NPPF, but such a task would require significant resource. Given the contentious nature of parking, it may require public engagement, which is expensive and often time consuming.
- 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?
It is not possible to suggest potential future standards without significant work on gathering the evidence and analysing possible options. Parking is already a particularly contentious issue in this district. Future standards would need to be evidenced, and possibly subject to public engagement. Removing the national maximum non-residential car parking standards for major developments could lead to a higher proportion of parking spaces being made available at new developments. The Impact Assessment correctly identifies this. However, the statement that, 'the 'Town Centre First' policy...should mean there are no significant adverse impacts at national level' does not take into account the fact that this policy will no longer apply to offices, which require significant levels of parking.
- QB2.5** *Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?*
(This district is not a minerals authority so no answer is proposed to this question).

Housing

- 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?*
Planning officers note that the Council has consistently met and exceeded the national target for development on brownfield/previously developed land (PDL). From 2003/04 to 2010/11, over 80% of all net new housing each year was on brownfield sites; the annual average was 92.3%. This is probably because 94% of the district is within the Green Belt, so any previously developed sites are likely to be within the more urban areas, and are therefore not constrained by Green Belt policy. Brownfield development sites are thus at a premium and tend to be 'snapped up' quickly. The Council feels that this trend is likely to continue, although the new 'presumption in favour of sustainable development' could lead to more housing developments being permitted on greenfield sites, subject to how the presumption is interpreted. If future household and population projections show a need for significant land release for housing in the next 20-30 years, the Council may need to consider releasing greenfield sites which would lead to poorer performance against the existing target. Furthermore, the impact assessment does not give a thorough analysis of the proposed change. The removal of the national target is likely to have very different effects in a southern, largely Green Belt authority such as Epping Forest District, compared with a northern local authority which may have significant quantities of brownfield land. On balance, this Council supports the removal of the national target.
- 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?*
In this Council, there is a difference of opinion between housing and planning officers. Housing officers support the 20% addition to the 5-year supply, as it will help to

secure future sites for housing. Planning officers see that the identification of further sites could make the provision of future housing more secure. However, they are concerned that it may be difficult to identify 20% more sites for the future, when many housing developments in the district are small scale, and it is hard to predict when they will come forward. In the last few years, the council has more than achieved a 5 year land supply, but this will be more difficult when an extra 20% needs to be identified – it is particularly difficult in a district such as this which is 94% Green Belt. It may only be possible if further housing sites are granted permission, either by making releases of Green Belt and/or greenfield sites, or by allowing higher density developments in existing urban areas.

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

The Council supports the proposal to remove the national site size threshold for affordable housing provision. It is not possible to detail how it would change its threshold without further study.

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

The Council disagrees with the provision of market housing on exception sites. Rural schemes work without market housing as landowners still get a good capital receipt, significantly greater than agricultural value. The Council can also ensure that such housing serves local needs. The problem is not getting landowners to come forward, it is getting reasonable and suitable sites which are supported by parish/town councils.

Community facilities

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

Part of this is now included within day to day work on specific projects, so there is unlikely to be an increase in costs. However, fitting this into a community facilities policy would require more dedicated resource as a one off, to get the policy and documental evidence established. The actual cost would depend on the size of the district/County etc. There would also need to be co-ordination and collaboration with neighbouring districts and Councils. There would be a cost to the various interested bodies that are responsible for community services to assist in collecting data.

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

Any cost for developers should be part of their project costs. They would probably use the above documentation to prove where loss can be justified or where community facilities had not been included. It would then be a cost to the community to disprove the case for losing a facility. The Council would need to assess what information is held corporately and by other public agencies before estimating resource costs.

Green Belt

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?*

No – the Council feels the analysis is too insubstantial, and the potential consequences of at least one of the changes proposed could be pretty substantial, in terms of its ongoing costs.

Environment

- QB4.1** *What are the resource implications of the new approach to green infrastructure?*
The “new approach” to green infrastructure is so similar to the existing policy that it does not appear that there will be any resource implications.
- QB4.2** *What impact will the Local Green Space designation policy have, and is the policy’s intention sufficiently clearly defined?*
The intention is not clear either in its aim or in its mechanism to achieve it. Who proposes the Green Space and who does the designating? The criteria for designation of Green Spaces are very narrow. It is also unclear what size they may be. They cannot be an “extensive tract of land” so who decides how big a tract is?
- QB4.3** *Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?*
The “wildlife sites” mentioned are potential SPAs, possible SACs and proposed RAMSAR sites. This is no change from PPS9 (6) so there are no implications here.
- QB4.4** *How will your approach to decentralised energy change as a result of this policy change?*
The change in policy only "expects" local authorities to "consider" identifying suitable areas for renewable and low-carbon energy sources. It does not require them to do so. Furthermore, if local authorities are to define suitable areas then councils need to know what they should be looking for. Each type of renewable/low-carbon energy generation requires different sets of criteria in order to be successful. What are these? Can we be provided with guidelines? There is probably not enough expertise at individual council level to make competent decisions on where developments such as these will be best placed. Further Government guidance is needed.

There is:

- a lack of information in the framework as to what constitutes a "suitable area";
- only a request to identifying suitable areas at this point; and
- a lack of technical knowledge and training amongst planning officers etc. in identifying different sites for different technologies.

This Council’s approach will largely remain the same, which is to say that renewable/low carbon energy developments will usually only be permitted where they are visually and audibly hidden or unnoticeable to local residents and the public. Until this attitude changes, it can be predicted that smaller scale residential developments will probably continue to be permitted, but that a meaningful contribution to the UK’s decentralised energy network will be not be achieved.

- QB4.5** *Will your approach to renewable energy change as a result of this policy?*
The Council feels that it would require a lot more technical knowledge. Otherwise how could planning officers etc. be expected to inform members accurately on the decision-making process? As applied to QB4.4, without a better technical knowledge of a) how renewable technologies work and the specific requirements they need to perform well, and b) a context in which to put projected energy generation figures (eg how many homes or businesses a particular development would power and the quantity of emissions this would save), there is little hope for medium to large developments taking place within the District.
- 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?*

Yes – we will need to rely more on our own research and develop stronger local plan policies. This is likely to require more resources. The Framework identifies a requirement for Councils to ‘set out a strategy for conservation of the historic environment’. Currently Councils are asked that they ‘should consider how they can best monitor the impact of their planning policies and decisions on the historic environment’. It is unlikely that this will change current procedures or policy. It does underpin the need for a strategy on behalf of EFDC to be delivered and the resources required, especially given the large number of conservation areas within the district.