



Environmental Protection UK
44 Grand Parade
Brighton BN2 9QA

17th October 2011

Draft National Planning Policy Framework Response: Environmental Protection UK

Environmental Protection UK (EPUK) welcomes the opportunity to respond to the consultation on the draft National Planning Policy Framework.

We want to see a National Planning Policy Framework that ensures that sustainable development is central to local and national decision making, and that an equitable planning system is in place that protects the natural environment; reduces carbon emissions; mitigates climate change impact; and promotes a healthy local environment.

About EPUK

EPUK is a national charity that provides expert policy analysis and advice on air quality, land quality, and noise and their effects on people and communities in terms of a wider range of issues including public health, planning, transport, ecosystem services and energy and climate.

We offer clear and critical analysis of UK government and European Union policy proposals, through a range of high-quality publications and expert-led events, as well as up-to-date regulatory information through Essential Environment Online, our comprehensive guide to UK and EU environment legislation.

We bring together policy makers, business, local authorities and academics to enable and foster successful partnerships for environmental action, and provide networking opportunities to support the careers of environmental professionals and allow them to share best practice.

Our structure enables us to take a progressive and pragmatic approach to the issues which concern us and, on behalf of our wide and extensive cross-sector membership, to promote integrated and effective policy making which supports sensible and workable solutions to pressing environmental challenges.

EPUK works with and for UK national and devolved governments, local authorities, business, academics and the general public, and with relevant EU institutions and NGOs.

General Comments on the Draft National Planning Policy Framework

1. Planning must promote sustainable development including a healthy built environment

We want to see a National Planning Policy Framework that ensures that sustainable development is central to local and national decision making, and that an equitable planning system is in place that supports growth, protects the natural environment; reduces carbon emissions; mitigates climate change impact; and promotes a healthy local environment.

While the Government's aim to provide a National Planning Policy Framework that will empower local communities, be more user-friendly and ensure that planning is relevant, proportionate and effective is laudable, we believe the proposed draft framework is fundamentally flawed.

The overarching aim of the planning process must be to facilitate appropriate and sustainable development. The current definition is weighted heavily towards growth with social or environmental concerns regularly and inappropriately caveated with phrases such as 'where possible' and 'where practical'. This must be addressed to ensure short-term economic growth does not come at the expense of sustainable development.

In addition the lack of a comprehensive transitional plan to allow local authorities to publish robust and relevant local plans to support appropriate development in their localities and the vast uncertainty surrounding the future of planning guidance taken together have serious implications for the state of our environment.

Planning guidance plays a pivotal role in creating healthy, sustainable places; however its future status is unclear as the consultation document states that the existing body of government-issued guidance will be cancelled on publication of the revised planning policy framework. The intention appears to be that guidance is reviewed following this consultation with any necessary guidance developed and issued by a non-statutory body. EPUK has grave concerns about this approach both in terms of the costs of such a review and the practicalities of planning guidance that carries no statutory weight.

EPUK believes it is essential the Government keeps in place sufficiently detailed and clear guidance that enables communities, developers and regulators to ensure that sustainable development is central to local decision making; that a planning system is in place that protects the natural environment, reduces carbon emissions and mitigates climate change impact, and promotes a healthy local environment. We do not believe there is a need to devote scant resources to producing new guidance when a body of guidance that works is in place.

2. Prevention is cheaper than cure

Whilst we accept that there is some room for consolidation and updating of the current body of planning guidance, it is necessary to retain a certain level of detail – particularly if communities, to date inexperienced in engaging in the shaping of their neighbourhoods, are to be empowered to plan their own sustainable, healthy communities.

EPUK agrees that communities have an important role to play in shaping the areas in which they live. Handing power to communities to enable them to do so is a laudable aim. However, we have concerns over the practicalities in achieving a balanced approach to development.

Planners and environmental health practitioners within local authorities have years of knowledge and experience to draw on to ensure that informed and appropriate decisions are

taken. Communities will need specialist advice to support them in shaping their own healthy, sustainable communities.

If decision makers (whether they be communities, local authorities, the Planning Inspectorate or Ministers) are not equipped to adequately assess environmental impacts, the burden will shift from planning to regulatory functions within local authorities. The cost of investigating complaints and mitigating impacts – for example noise nuisance, light pollution and exceedences of air quality standards – will increase. As will the health and societal cost of a poorer quality local environment, along with the risk of damage or loss to our ecosystems services. There may also be cost penalties on businesses tasked with mitigating the impacts of inappropriate or unsafe development down the line.

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.¹

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott

National Planning Policy Framework

Department for Communities and Local Government

Zone 1/H6, Eland House,

Bressenden Place

London

SW1E 5DU

(a) About you

(i) Your details

Name:	Lisa Crews
Position:	Senior Advocacy & Policy Officer
Name of organisation (if applicable):	Environmental Protection UK
Address:	44 Grand Parade, Brighton, BN2 9QA
Email Address:	lisa.crews@environmental-protection.org.uk
Telephone number:	01273 878782

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

Organisational response

Personal views

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

¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

Yes

No

Name of group:

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

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary,etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

(b) Consultation questions

Delivering Sustainable Development

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

1(a) – Do you agree?

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

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

The framework establishes a clear presumption in favour of sustainable development; however we consider the definition of sustainable development inaccurate and ill-advised. An overtly unbalanced emphasis is placed on growth through the presumption in favour of development with development set to go ahead unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. The fundamental principle of sustainable development – which is to balance the (often interconnected) needs of the three pillars of the economy, society and the environment – is absent from the draft National Planning Policy Framework. Ranking short-term economic growth, as this framework does, over and above long term economic growth, quality of life and the environment is fundamentally against the concept of sustainable development.

The Government committed to mainstreaming sustainable development into policy and practice² earlier this year. The revisions of the planning system are fundamental to delivering this commitment. A full and transparent review of these proposals is essential to moving sustainable development beyond rhetoric into mainstream policies and practice.

Plan-making

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

² 'Mainstreaming sustainable development – The Government's vision and what this means in practice', Department for Environment, Food and Rural Affairs, February 2011.

assessed need and infrastructure requirements.

2(a) Do you agree?

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

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

Without a workable transition plan to support local authorities in publishing an up-to-date local plan these proposals are fundamentally flawed. Local authorities should be enabled to revise or produce up-to-date local plans before the presumption in favour of sustainable development is initiated in order to enable them to support the development of appropriate and high-quality developments in their areas (and prevent the converse). The requirement for the default answer to a development proposal where the plan is out of date, silent or inconsistent to be yes under the new planning policy framework is inappropriate. We fail to see how schemes that are approved in this manner will contribute to sustainable development and stress that these are likely to produce inappropriate, ill-conceived and ill-assessed development out of step with the interests of the community, the environment and are unlikely to support economic growth.

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

2(c) Do you agree?

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

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

We remain unconvinced that the duty to cooperate across boundaries is sufficient. Many issues will require cooperation on a greater spatial scale, such as climate adaptation, green infrastructure etc. Additionally it is difficult to understand what options and/or mediation will be available to relevant parties where priorities conflict.

Decision taking

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

3(a) Do you agree

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

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

We strongly question the decision not to consult on the future of planning guidance at the same time as planning policy. This undermines the ability of consultees to analyse the full impact of these proposed changes and lacks transparency, undermining effective engagement.

We cannot comment with any confidence on the appropriateness of the detail offered without a clearer understanding of what statutory guidance will or will not be issued.

We support the emphasis on pre-application engagement, however paragraph 57 sets out the considered good practice of local planning authorities in terms of encouraging pre-application discussions.

Paragraph 58 states that consents relating to how a development is built or operated can be dealt with at a later stage; however these issues could be fundamental to whether a development would significantly and demonstrably outweigh the benefits. To avoid a prescriptive approach and to enable these issues to be addressed at this stage where appropriate, this sentence should be removed.

Paragraphs 68-70 are (one of the many) examples of how the

framework goes too far in facilitating economic growth over an above the other pillars of sustainable development. Paragraphs 68 and 69 clearly state the necessary tests for planning conditions or obligations, and paragraph 70 is therefore superfluous. Planning conditions (for example the need to manage land contamination) or planning obligations (to mitigate against increases in noise) could impact the viability of the project but where this is necessary to make the development acceptable, directly related to the development, and fair and reasonably related in scale and kind of development – as clearly set out in paragraph 68 – they should be included regardless of the impact on the viability of the project. It should be accepted that some developments will not be viable. Reiterating the need for them to be necessary will undermine the system. This sentence should be deleted.

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

4(a) Do you agree

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

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

EPUK believes that the Government should keep in place sufficiently detailed and clear guidance that enables communities, developers and regulators to ensure that sustainable development is central to local decision making and that a planning system is in place that protects the natural environment, reduces carbon emissions and mitigates climate change impact; and promotes a healthy local environment. This should be provided by central Government to ensure sufficient weight and clear hierarchy where non-statutory guidance may be in conflict.

Whilst we accept that there is some room for consolidation and updating of the current body of planning guidance, it is necessary to retain a certain level of detail – particularly if communities, to date inexperienced in engaging in the shaping of their neighbourhoods, are to be empowered to plan their own sustainable, healthy communities. We do not believe there is a need to devote scant resources to producing new guidance when a body of guidance that

works is in place. Further, National Policy Statements (both draft and already designated) contain reference to existing planning guidance. Are these National Policy Statements to be redrafted? If there is no guidance to refer to, what will the Planning Inspectorate and Ministers base their decisions on?

Appropriate, comprehensive guidance ensures that all parties understand the requirements upon them and promotes good practice – this is particularly critical when it comes to national infrastructure. For example, the Department of Energy and Climate Change has recently commissioned research into the consistency of application of the ETSU-R-97 guidance for assessing the noise impact of wind farms, as recommended in PPS 22. Decisions on wind farm applications are often subject to protracted planning battles and we suggest that the removal of guidance in this case would not be conducive to swifter planning decisions.

We believe robust guidance on Planning and Noise is essential – in the form of a long awaited update of the guidance set out in PPG 24. It is essential that our existing quieter areas are protected from noise creep, that communities are protected from intrusive noise, and that all development is considered in the context of the Noise Policy Statement England.

Planning Policy Statement 23 (PPS 23) contains important guidance on pollution control and planning which is widely viewed as having had a positive impact on cooperation between planning departments and technical specialists within local authorities, leading to improvements in air quality and management of land contamination.

Whilst we accept that the current document may be too long, it must not be so reduced that it no longer provides sufficient guidance to both regulators and developers in how to deal with pollution issues through the planning process. The aim of the planning process is to facilitate appropriate development and comprehensive guidance ensures that all parties understand the requirements and promotes consistency of practice - this is facilitated by the current PPS 23.

We note that the UK is already in infraction of its legal obligations under the EU Air Quality Directive. The planning process has a large part to play in meeting these obligations. Weakening the planning system's ability to manage pollution effectively risks further infraction of this and of similar requirements and could come at high social, environmental and economic costs for all parties involved.

There are a number of key features in relation to planning and pollution control guidance that EPUK would like to see retained or included. EPUK has articulated these points to the Department for Communities and Local Government previously and includes these again as Appendix A of this document. We await further consultation on the future of statutory guidance.

Business and economic development

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

5(a) Do you agree?

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

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

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

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

6(a) Do you agree?

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

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

The town centre policies are undermined by the continued repetition of the presumption in favour of growth and the removal of brownfield first policies. An explicit link should be made between the importance of prioritising previously developed land and the economic, environmental and social benefits of urban regeneration, including stimulating economic investment and supporting the preservation of green spaces.

In the absence of a question on community green space we note here that paragraph 131 appears to undermine the commitment to allow local communities to designate Local Green Space. These have repeatedly been heralded as central to the Government's commitment to sustainable communities; however paragraph 131 clearly indicates that this designation will rarely apply.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

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

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

While paragraph 82 appears to introduce the right approach, it is undermined by the final sentence in this paragraph, which should be deleted.

The section is too narrow and fails to adequately consider how transport policies contribute to issues such as air quality and noise levels, which are major contributors to ill-health and which are largely caused by vehicle traffic. This section requires detailed revision in order to address these omissions.

At paragraph 86 it states that '...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' – this sentence must be removed or revised. It will substantially increase pressure on infrastructure and exacerbate areas of existing pollution, preventing the local authority from taking the necessary measures to manage rising pollution levels and meet requirements set by EU law.

Communications infrastructure

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

8(a) Do you agree?

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

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

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

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

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

Housing

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

10(a) Do you agree?

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

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

We support the explicit mention of regeneration and renewal of areas of poor housing.

We have concerns over the requirement to provide an additional allowance of 20 per cent for housing. EPUK local authority members have expressed concern that this is not deliverable without redrawing green belt boundaries and/or permitting development on urban green spaces. We believe this risks undermining the objective set out in paragraph 124.

It should also be noted that this is likely to undermine any local efforts to encourage regeneration on previously developed sites as sites will be cherry picked leaving the more challenging sites undeveloped. The negative economic impacts of derelict, unsightly sites are well documented and must not be overlooked here.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

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

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

Paragraph 127 states that planning permission should only be refused if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area. However no similar consideration is given for cases where the adverse existing conditions outweigh the desirability of establishing a school, e.g. in areas exceeding air quality limit values and/or with prevailing harmful noise levels.

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

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

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

Green Belt

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

Belt protection.

13(a) Do you agree?

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

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

Green Belts perform additional functions that should be expressed in para 134. Namely Green Belts are an essential part of green infrastructure and are critical to supporting biodiversity (both local and on a national scale).

There is a disconnect between the aim to preserve Green Belts and the requirement to reassess boundaries when preparing or reviewing the Local Plan. Paragraph 140 weights the considerations in favour of growth because when defining boundaries local planning authorities should ensure consistency with the Local Plan – no information is given on when these may conflict for example in relation to housing targets versus availability of land.

The third bullet point of paragraph 140 encourages the gentle encroachment onto Green Belts and is inappropriate.

Paragraph 145 undermines the protection of Green Belt because development can be permitted if it is brought forward under a Community Right to Build Order. We do not understand why this is appropriate and question the wisdom of permitted development in so-called important areas for protection under an as of yet untested planning mechanism.

Paragraph 146 is fudged and is open to the interpretation that renewable energy projects will always be permitted in Green Belts because of the wider environmental benefits; this must be addressed.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

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

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

To ensure renewable and low-carbon energy is effective, a requirement should be included for developments to be appropriately located in order to maximise the efficiency of – not just the development of – renewable and low-carbon energy.

Adaptation measures should not be restricted to vulnerable areas alone but must be a core factor in planning.

The importance of blue and yellow infrastructure should also be recognised at paragraph 154.

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

14(c) Do you agree?

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

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

See comments in 14 (b)

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

14(e) Do you agree?

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

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

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

14(g) Do you agree?

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

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

Natural and local Environment

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

15(a) Do you agree?

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

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

The framework fails to recognise the intrinsic value of the natural environment; this should be included in paragraph 163.

Paragraph 165 provides another example of the imbalanced weighting in favour of economic growth where adverse impacts of developments must significantly and demonstrably outweigh the benefits. Without further definition these terms are ambiguous and therefore little clarity exists for either the planning authority or the applicant.

Like many assets, best and most versatile agricultural land is not equally distributed across the country which provides a complex planning landscape when determining its relative national significance compared to local needs, e.g. housing targets. National food security and soil carbon sinks should be explicitly mentioned in paragraph 167 to ensure clarity that national needs must be met.

Paragraph 171 must remain within the framework.

Historic Environment

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

16(a) Do you agree?

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

Disagree

Strongly Disagree

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

Impact assessment

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

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

No. The costs, benefits and impacts contained within the impact assessment are fundamentally flawed because they rest on the assumption that this draft National Planning Policy Framework will provide greater clarity and consistency for all parties. We do not support this assumption, instead we believe this muddies the water and will generate a marked increase in planning by appeal.

In addition significant costs will be incurred by all through the process of reviewing and revising planning guidance, whether this is done centrally or left to the sector.

We also believe that there will be an increase in the need for the impacts of planning to be mitigated against because they will increasingly not have been appropriately managed by the planning process. This will result in an increase in costs to local authorities who will be required to manage, e.g. noise complaints or exceedences of air pollutant limits.

Planning for Travellers

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

No comment

Specific questions on the impact assessment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

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

No comment

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

No comment

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?

It will lead to a greater imbalance, tipping the scales towards economic outcomes.

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

A significant increase.

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

No

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?

No comment

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

No comment

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?

No comment

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

No comment

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?

The removal of the national target for brownfield land will limit the ability of local authorities to drive development in areas where it can best support economic, environmental and social need. Whilst these targets were generally exceeded, they played an important role in stimulating regeneration. The removal of the target is thought likely to increase Greenfield development as developers cherry pick sites that have less risk associated with them, e.g. such as potential contamination.

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?

No it will not be achievable or appropriate for all areas.

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

No comment

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

No comment

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

No comment

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

No comment

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 comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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?

No comment

Appendix A –

EPUK Views on Planning Policy Statement 23 Revision



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17th December 2010

Emailed to mark.plummer@communities.gsi.gov.uk

Planning Policy Statement 23 Revision

Environmental Protection UK (EPUK) would like to comment on the proposal to slim down Planning Policy Statement 23 (PPS 23).

Whilst we accept that the current document may be too long, we would not wish to see it so reduced that it no longer provides sufficient guidance to both regulators and developers in how to deal with pollution issues through the planning process. The aim of the planning process is to facilitate appropriate development and comprehensive guidance ensures that all parties understand the requirements and promotes consistency of practice - this is facilitated by the current PPS 23. This view is supported by regulators, consultants and developers from within EPUK's membership.

We note that the UK is already in infraction of its legal obligations under the EU Air Quality Directive. The planning process has a large part to play in meeting these obligations. Weakening the planning system's ability to manage pollution effectively risks further infraction of this and of similar requirements and could come at high social, environmental and economic costs for all parties involved.

There are a number of key features that EPUK would like to see retained or included.

We list the general ones here along with specific points relating to Air Quality and Land Contamination. We also note that prior to the review of the planning system, work was undertaken which was led by Defra to include an annex to PPS 23 on light pollution, therefore we also comment on light.

Key points to retain/include:

- Delivery of sustainable development should be the central purpose of the planning system.
- Economic growth means (environmentally) sustainable growth.
- All PPS 1 principles (paragraph 13) should be transferred into the new framework.
- Protection and enhancement of the environment, in particular the quality of the natural environment including climate change adaptation, air pollution, land contamina-

tion, conservation of wildlife and habitats, water quality, flood risk and sea level rise and waste management.

- Prudent use of natural resources, in particular sustainable consumption and production.
- Sustainable development must be integrated into development plans.
- Sustainability Appraisals for Local Development Documents (LDDs) (or equivalent), should not be just the bare minimum required to meet EU Strategic Environmental Assessment (SEA) Directive.
- Requirement for LDDs to take into account cross boundary issues.
- Plans must be based on analysis and evidence, plus the precautionary principle where required.

In relation to Planning & Pollution Control:

- Pollution issues must be taken into account as appropriate in planning decisions.
- Planning and pollution control systems should be separate but complementary.
- Planning system to focus on whether the development itself is an acceptable use of the land, rather than the control of processes or emissions themselves.
- Planning authorities should assume the relevant pollution control regime will be properly applied and enforced. They should seek to complement it but not to duplicate it.
- Where pollution issues are likely to arise, informal pre-application discussions should be required to provide opportunity to consider the principle of development and to minimise the potential for conflict and duplication between control regimes.
- Submission of applications for planning permission and pollution control permits should be made in parallel to allow co-ordination of their consideration by the relevant authorities.
- In considering proposals for development, account should be taken of the risks of and from air pollution, land contamination and light pollution, and how these can be managed or, preferably, reduced.

Air Quality:

- Where air quality limit values are being met no development which could result in a new breach may be permitted. In addition any development in the vicinity of an area where limit values are exceeded should aim to improve air quality in the area of exceedence.
- Where air quality limit values are currently exceeded but the limit value plus maximum margin of tolerance is met, no development which results in a deterioration in air quality may be permitted and any development should aim to improve air quality.
- Where air quality limit values plus maximum margin of tolerance are exceeded only developments which contribute to improvement in air quality may be permitted.
- All local authority planning departments should be urged to develop Supplementary Planning Document (SPD)/ Supplementary Planning Guidance (SPG) and where AQ limit values are exceeded this should be given a high priority.
- Developers should follow the principles outlined in EPUK's "Development Control - Planning for Air Quality", the Greater London Authority's "London Best Practice Guidance: The control of dust and emissions from construction and demolition" and the Low Emissions Strategy Partnership's "Good Practice Guide".

Contaminated Land:

- Interaction between the contaminated land regime as set out in Part 2A of the Environmental Protection Act 1990 (EPA1990) and the planning process; in particular, maintain the advice regarding remediation statements and their inclusion in Public Registers (see PPS23 Clause 2.16). (This is often overlooked by local authorities who think that entries are only required where a Remediation Notice is served).
- Emphasise developer's responsibility for the delivery of a safe site.
- Provision of links to relevant guidance documents e.g. BS 10175 on site investigation (see 2.45 of PPS23), Environment Agency document Contaminated Land Report 11 (CLR11), Planning Inspectorate model conditions, and Environmental Protection & Planning Guide for Environmental Professionals (October 2010).
- Recommendation for pre-application discussions, enquiries regarding local authority's records of potentially contaminated land sites or pre-acquisition surveys.
- Include requirement to ensure remediation is sustainable.
- Comments on decision making process:
 - Consent to be refused if insufficient information provided or advised to reconsider proposal at informal enquiry stage if remediation is deemed unviable.
 - Consideration of past land uses (from local authority records of potentially contaminated land sites).
 - Guidance for developer on information needed to support application.

The following clauses of PPS23 could be deleted and substituted with references to existing guidance, to avoid duplication:

- 2.35 - 2.41 and Tables 2.1 and 2.2 (See Secretary of State's Statutory Guidance to be published 2011).
- 2.43 - 2.44: Land Condition Records not used widely.
- 2.49: Determining applications (See Secretary of State's Statutory Guidance to be published 2011).
- 2.50: Duplicates Secretary of State's Statutory Guidance.
- 2.53: Planning permission for site investigations e.g. boreholes. This is bureaucratic and unnecessary.

Light Pollution

- Planning policy guidance must have regard to the impacts of inappropriate and wasteful lighting in accord with the findings of the Royal Commission on Environmental Protection (RCEP) report on Artificial Light and the Environment (2009).
- Planning policy guidance should enable local authorities to assess the likely ecological and potential nuisance impacts from changes to the amount and quality of artificial light.