

Comments from KFAS/CPRE Protect Kent on the draft National Planning Policy Framework.

1. Introduction. This is a joint submission from CPRE Protect Kent and the Kent Federation of Amenity Societies (KFAS). KFAS is the umbrella organisation for the civic society movement in Kent. www.kfas.org.uk and affiliated to Civic Voice <http://www.civicvoice.org.uk/>. CPRE Protect Kent, www.protectkent.org.uk is the Kent branch of the Campaign to Protect Rural England (CPRE) www.cpre.org.uk. The two organisations share a common interest in vibrant communities and good land use planning in both town and country and work closely together on matters of mutual interest. Together we made a written submission to Report stage of the Localism Bill from the practical perspective of two organisations deeply involved in planning and community matters across Kent. Drawing on this experience we have set down our views about some of the practical consequences in the draft NPPF. To be constructive we have also made suggestions of what should be done.

2. Comments on the whole document. This section gives a list of our principal concerns. They are not in any order of priority. All are important in our view, and in each case we have explained why. We have included some paragraph references as examples in this section. (Further paragraph comments are in section 3.)

2.1 The need for balance because planning operates in and for the public interest. Planning seeks to balance the demands that arise when development is considered: economic, environmental and social interests. The essence of planning is that it is a mechanism to resolve conflicting pressures. It is normal and expected for there to be potentially conflicting policies in a local plan. To skew the mechanism a priori to economic demands will undermine the role of planning which is to achieve consensus about proposals for development. It includes the process by which the Local Plan sets a balanced policy framework and in which proposals are improved by community consultation and engagement, which also obtains buy-in and 'ownership'. Planners, communities and developers need this balanced approach to deliver successful development. [Ref para. 9, 13, 19, 54 etc]

2.2 The need for an appropriate definition of 'sustainable development': it is not appropriate for the most important document in national planning policy to be creating confusion and dissonance by misusing the term 'sustainable development'. Sustainable development is now a central tenet of responsible business behaviour in the economy, and it is codified and applied through sustainable development frameworks which are the building blocks for sustainability appraisal (SA) and strategic environmental assessment (SEA) established in European law. The definition of sustainable development already agreed in the UK is that in the 2005 UK Sustainable Development Strategy, which merges the Brundtland definition with the five principles of sustainable development: **Sustainable Development means development that meets the social, economic and environmental needs of the present without compromising the ability of future generations to meet their own needs including the application of the following principles:**

- (i) living within environmental limits;**
- (ii) ensuring a strong, healthy and just society;**
- (iii) achieving a sustainable economy;**
- (iv) promoting good governance;**
- (v) using sound science responsibly.**

This definition, which gives equal weight to each of the five principles, should apply throughout this document and not be compromised by other explicit or implicit alternative definitions. It should also be incorporated in the Localism Bill. [Ref para.10, 12,13,20,48 etc]

2.3 Brownfield sites must have a clearly stated priority over greenfield sites. This is both a practical matter: brownfield sites often already have infrastructure, which is essential to allow development, and a matter of principle for good planning for towns. Without specific priority given to brownfield sites there will be a constant creep of development to the edges of towns and beyond. The result is decaying and depressed town centres which are then hard to regenerate. The economic success, as well as the strong social character of towns depends on there being an explicit 'brownfield first' policy in place. It is often argued that greenfield should be allowed because it is easier and more profitable for developers, implying greater economic growth potential and perhaps lower house prices. Our experience is that this is not always the

case: land prices are often higher for greenfield than for brownfield sites, and greenfield sites almost always require new or improved roads, or financial contributions to schools, bus services etc if the communities that grow there are to be vibrant and encouraged in having more environmentally sustainable lifestyles. The reason they are more profitable is that these essential services are often not provided. We believe that the spatial planning and infrastructure benefits of urban brownfield sites make the case for a policy preference for brownfield sites, and the argument that greenfield sites are more 'viable' needs to be assessed on a case by case basis. To give one current example: Gravesham has recently produced a consultation document in which they propose the use of not only green field, but Green Belt land as brownfield land is said to be too expensive and not available within the a six year period. The experience that must be avoided, as housebuilding and other development picks up again, is of developments that are built without facilities and without access except by car. These may indeed have been profitable, but they are not good development.

2.4 It is unhelpful to say that the default answer should be "Yes".

This wrongly suggests that development management is a 'mechanical' process. It ignores that fact that sustainable development is a direction of travel, not a constraint to be met. And above all it is a very unhelpful threat to local authorities that will undermine the hard work that goes into engagement with developers and communities. Why should anyone bother if permission must be granted anyway? The result will be bad development. It is unnecessary, unhelpful and should be removed. [Ref para 19.]

2.5 Recognise that Planning is a democratic process. Far from being 'mechanical', planning is a democratic and community process as well. The work being done to get more people and communities involved in planning is precisely because informed opinions as well as facts matter. Planning helps people shape their communities and welcome new jobs, and new residents. It gives elected representatives, planners, developers, architects, civil engineers, builders, and landscape and biodiversity experts the opportunities to help realise aspiration and vision. The process and consultations that achieve this are democratic, not mechanical.

[Ref para 19.]

2.6 A transition period is essential before this planning policy framework becomes statutory. Local Authorities and their communities must not be disadvantaged because under the previous planning system of top down targets they chose not to complete core strategies that would have been unacceptable to their communities and their environment. Having done the right thing under a principle now hailed as Localism, there must be a transition period of at least 24 months (a longer period may be necessary) to allow all local authorities to have local plans well underway even if not completed. As well as being given time for transition, Local authorities need to be properly funded to do this work: assembling an up to date evidence base; proper consultation work with communities; sustainability appraisal and examination are all significant costs. Also, planning departments in many local councils have reduced in personel and experience. This could result in mistakes which it would be difficult to rectify. [19, 20 etc]

2.7 The need for a correct understanding of planning's role in economic development. The draft NPPF as written assumes planning has a greater role in delivering or holding back economic development than is in fact the case. The planning process can only set a clear framework inwhich proposals come forward and decisions are made. It is the market, the business and public sector delivery bodies that operate in it that produce the economic activity, whether commercial or housing development, or infrastructure. It is also not the role of planning to be concerned with the detail of the viability of sites. A broad assessment including viability has to be undertaken by local authorities as part of the SHLAA (Strategic Housing Land Availability Assessment), but the detailed viability of a site is up to the promoter with the planning idea being promoted. It is not a planning responsibility to ensure viability. It is a dangerous invitation to legal challenge to suggest that it could be. [39 etc]

2.8 Local Authorities should not be required to identify an additional 20% of sites. Added to the 5 year rolling land availability, this effectively adds a 6th year, since the same work will be required to identify sites. This will distort and confuse the plan, leading to potential for both blight and developer uncertainty, and less certainty of delivery. Also, if priority is given to brownfield land, as we consider it should be, then

the requirement for the additional 20% provision will be in direct conflict with this as it will potentially mean that greenfield sites will need to be brought forward earlier than otherwise necessary. The 20% additional sites provision should be deleted. [109]

2.9 Nationally and Internationally designated areas need to be protected explicitly including those identified for their landscape heritage or biodiversity value. Only sites protected under the Birds and Habitats Directive are explicitly protected [Ref 16] Throughout the rest of the draft there are dangerous “let out” phrases for example: “substantial harm or loss... should be wholly exceptional”. This is an inappropriate format for high level policy, as it will make it extraordinarily difficult for local authorities and communities to protect nationally important assets in the face of serious challenge. The likely cumulative effect of this qualified support in combination with a challenge on viability illustrates the danger. Also the glossary is incomplete. There should be a list of categories of protected areas in the glossary.

2.10 Valued local landscapes also need to be supported in the NPPF. Successful communities and local economies link strongly with valued local environments and landscapes : this is what makes places good for work and living. Although they will be locally defined through landscape and built environment character assessments, the national planning policy framework needs to acknowledge their importance, in addition to the support for conservation areas. National policy is needed to ensure that locally defined designations are recognised as material considerations in planning decisions, and studies such as landscape character assessments are valid as evidence.

2.11 Undesignated countryside should be protected for its intrinsic value. This is a very important simplification that exists in the present planning system, allowing as it does for Local Plans to focus on positive planning for development in areas when and where this is appropriate. Without the protection of countryside for its own sake, Local Plans will have to consider every part of the authority’s area, and decide whether this is appropriate for development or not. As 65% of countryside is undesignated this is not a reasonable burden to put on local authorities. Developers and communities will have equivalent uncertainty. Protection of the countryside may be inferred from some clauses (eg rural housing not being disconnected from services), but this is not clear overall. It would be much simpler and clearer to include an explicit policy statement protecting the countryside for its own sake or its intrinsic value. This would then also be more in line with the Natural Environment White Paper. It will make planning and development more efficient without in anyway discouraging economic progress.

2.12 The “unless” clauses should be removed from the draft. They are not needed because , as explained above it is the essence of the planning process to mediate conflicting interests and to make a balanced decision in the wider public interest guided by the plan led system of the local plan and national policy. They should also be removed to avoid the plan led system being undermined by legal challenges which exploit uncertainty or conditionality.

2.13. Content is vitally important. We fully agree that the present planning national policy needs to be simplified. But plans need to set out what is agreed for an area, and to be backed by a clear policy framework. We welcome the principle of policy making being locally based, but this must be done without losing the benefits of tried and tested policies that have helped both urban areas and the countryside. There is a danger of throwing too much away and not caring whether it is picked up locally. Local planning documents are likely to get larger and longer to cope with the removal of large tracts of nationally articulated guidance on a wide range of matters from spatial planning to sense of place. To provide responsible guardianship and growth in the places they manage, local authorities will find it necessary to produce more detailed and longer local plans. It follows that the total volume created will be a very great deal more than the pages saved by the abolition of national guidance! Also, planning inspectors will now have to focus on many different local versions of broad areas of policy. It seems likely that best practice guidance may emerge formally or informally to help local authorities with their new responsibilities.

2.14 The tax system should be changed to support good planning and the change should be part of this phase of planning reform. Although this is not a relevant item for the NPPF as national planning policy, it is relevant to the context in which the NPPF exists. At present new build on greenfield sites carries no VAT.

Buildings refurbished after being unoccupied for two years carry reduced rate VAT while making better use of existing buildings by upgrading and conversion carries the full rate – currently 20%. This system works against brownfield development, encourages empty homes and leaves town centre growth and regeneration at the mercy of edge of town development. As noted above (2.3) brownfield sites frequently already have infrastructure, whereas greenfield sites often require new infrastructure which is only partly paid for by the development. Brownfield sites, which can be critical parts of regeneration plans, should have at least equal tax status. Grants or tax breaks to assist for example, the cost of decontamination, would create a better context for good planning.

2.15 Agricultural land should be safeguarded as a vital asset for food production both now and in the future when food importation will become less viable. In addition agricultural land has many other social, environmental and economic benefits including landscape value, setting and context for communities and settlements. It is not sufficient merely to “take into account” these things when considering development on agricultural land. As with countryside protection, local authorities will otherwise find it necessary to do this at a local level and there is no guarantee that across England as a whole the strategic asset of agricultural land will be adequately recognised in relation to its importance for food production and other economic and ecosystem services, including space for wildlife. Protecting the countryside for its intrinsic value would be another, simpler way to achieve this. Existing agricultural permissions processes and diversification opportunities would not be limited by this in any way.

2.16 The underlying assumption that planning causes the housing shortage is wrong. We agree there is an insufficient number of homes, but just as Kate Barker was wrong in her assumption that it was possible to build away the problem of unaffordable house prices, it is just as wrong to expect the planning system to get builders building again. Developers and builders need a well functioning plan led planning system to know where to build so that services and infrastructure will be supported, but it is the market that delivers: buyers with reasonable job security and mortgages or buy to let purchasers creating a private rented market. Providing affordable housing obviously does increase costs for developers and lower their returns, but this is more likely as part of a flexible package of contributions appropriate to each development and not rigid criteria. It is therefore wrong to assume that planning is holding back the economy. On the contrary a local plan with clear policies removes uncertainty and this helps the economy. Strategic planning sets a clear framework, development control can ensure that delivery is well thought through and is efficient. Planning can never jump start the economy. We also draw your attention to the facts published by the RTPI (Appendix 1).

2.17 Definitions and meanings used in the draft NPPF are frequently imprecise, conflicting and out of line with accepted current usage. For an important piece of national policy this problem needs to be addressed. While it may be appropriate to provide flexibility for policy sections to be further defined in local policy, it should not be necessary for the first question to be “what do these words mean”. For example in paragraph 19 the 5th bullet appears to support preference for brownfield land. If this is what is meant, it would be clearer to say so. Also this draft has some of the worst examples of the misuse of the word “sustainable”. It has been used so many times, with so many different meanings for convenience, it ceases to have meaning. It would be better to adopt a discipline of only using it in either in the sustainable development context as defined (2.2 above) or to achieve a sustainable economy as included in the 5 principles of sustainable development.

2.18 Conflicts with Localism need to be resolved. The draft NPPF sits under the primary legislation on Localism now going through Parliament. However some of its content is in direct conflict with localism : in particular the prescription of a default ‘yes’, and the suggestion that local authorities obtain a statement or certificate of conformity with the NPPF, presumably through examination by a member of the Planning Inspectorate although neither the form nor the process is defined. The encouragement to parishes and other local communities under localism is undermined by this draft giving local authority Districts, Boroughs and Unitary authorities direction to dictate policy to local communities. As noted earlier the default ‘yes’ should be removed as both undermining and unnecessary. The whole draft should be carefully examined and redrafted to support rather than undermine localism.

2.19 Exception sites to deliver rural affordable housing should be permitted. This is a proven and successful method of delivering rural affordable housing. Exception sites are sites with a much lower land value because the houses on them are for local people and they cannot be sold on the open market, only via a housing trust [it is also vital this system is not abused by affordable housing owners selling them out of the housing trust arrangements, as is sometimes the case when no ‘qualifying’ people come forward to take them on.] If the exception site system is discontinued, rural areas will rely on windfall sites becoming available in villages. A windfall site might accommodate three market houses: in this case the promoter could have the option of either providing one as a smaller low price house, or building three of market potential, and contributing to a local needs house in the same village on another site. Either way only one affordable house will be built, vs more on an exception site Whatever the arrangements it is clear that both affordable or cheaper houses are essential in rural areas irrespective of the provision of affordable homes in towns. To rely on market housing without clear guidance for rural settlements opens the window to a potential relative over supply of executive homes in rural communities and relative under supply of homes for local people.

2.20 Gypsy and Traveller policy is also being developed: how will it be integrated? Government is consulting separately on this subject and has said will then incorporate the results in the final NPPF. When will there be an opportunity to comment on how the two subjects are being combined?

2.21 When will there be a national spatial strategy? In this policy document and the primary legislation on Localism there is a duty to cooperate with neighbouring authorities. But there is no wider national or subnational vision or strategy for spatial development in which transport, waste, economic development and housing can be taken forward with greater certainty, less risk and appropriate allocation of scarce resources. This needs effective and efficient joined up thinking: a national spatial strategy would help provide this.

3. Comments on Paragraphs.

The following are further selected comments on paragraphs :

Waste

Para 7: The Waste Directive requires to be implemented and we also accept that the waste hierarchy has increased recycling significantly so that it is no longer appropriate to manage waste policy so closely with minerals policy. However waste facilities, infrastructure and logistics are substantial planning matters, needing appropriate design of houses as well as industrial locations for waste processing. These are matters that need strategic planning policy and community understanding. It will be unsatisfactory if there is no guidance on this important topic in the NPPF.

Water

Paras “7a” and 168: We note with some dismay that there is inadequate reference to water and no reference to the Water Framework Directive. It is a fact that development is constrained by water supply and sewage treatment disposal opportunities. These are environmental limits, and are particularly acute in water-stressed Kent. It has been noted frequently that the level of development proposed in Kent should have taken account of its water status. The Government also needs to say in the Introduction [hence “7a”] how it intends to take account of the Water Framework Directive from a planning perspective. In the section on the Natural Environment, in para 168 on objectives, there should be a specific objective to plan development in terms of its location, scale and design so that it supports the delivery commitments on the Water Framework Directive, in particular the delivery of good ecological status of waterbodies [eg development that does not lead to water abstraction demands on the river Medway when this is against Environment Agency guidelines]

Planning principles

Para 14: as written this paragraph ignores and misunderstands the essence of plan-led planning and creates a ‘lawyers fest’ in which almost any proposal could be pushed through by Appeal and Inquiry. Unless the local plan has foreseen the circumstances of the proposal it will be deemed silent or indeterminate, and it follows that the more outlandish the scheme the greater the chance of it being approved at appeal. What

is needed by developers, planners and communities alike is a National policy framework and a Local Plan that creates a plan led framework in which proposals come forward and are discussed in an expert and balanced way to resolve the dilemmas that are inevitable with almost any development. Presumptions as expressed in the third bullet will not speed things up. The unintended consequence will be to add cost, cause delay, and antagonise local councils and communities. At the heart of planning should be a Local Plan that neighbourhoods can support and creates an ambition that developers can deliver. National policy should support the work to produce these local plans, including the cost of doing so. There should be no exemptions: for councils to avoid making a plan, or for promoters to propose development without reference to a plan.

Neighbourhood planning

Para 17 : Neighbourhood plans and development orders are in principle a great idea, but for the reasons we have already given in points raised in our comments on the Localism bill [see below, Appendix 2], we think are impractical. Communities are unlikely to do them, as too complex, too time consuming, lacking realistic financial support and too restrictive: only more development vs the local plan will be permitted. It will be more productive for communities to engage with the production of the Local Plan to ensure their interests are reflected in it.

Plan Making

Para 20/21/22 The whole section on plan making is confused. The removal of PPS12 takes away the background about what a Core Strategy is, and how it sits in a local development Framework, but at the same time it is assumed that there will still be a Core Strategy, but it will now be called a Local Plan. Where it is necessary to have an examination, there should be a DPD, for example to clarify the sites to be included in the Plan. Where it is helpful to clarify for example, standards of design, an SPD will speed up development by making it very clear what is needed. Whether that adds to the financial burdens of development or reduces them because of greater certainty and a 'level playing field' for all, is up to the developers and is not a matter for planning. This requirement should be deleted from the draft. If it remains it will be used at Appeal to override good local plans. The same comment applies to the last sentence of para 22, which should also be deleted.

Para 23 and 31. There is no reference to education or schools. This is an omission to be corrected in both paragraphs. Schools are an essential element of infrastructure and local community.

Para 26 Suggesting that local plans should be ignored if they are not up to date is disingenuous to Local Councils, and an open invitation to lawyers to circumvent local plans. The sentence should be deleted.

Para 28. Housing requirements should focus on need. They will be sufficiently directed by deleting the 1st and 3rd sub-bullets. The 1st will be very difficult to satisfy at a local level: broad trends will be part of the background evidence base, they should not be a policy requirement. The 3rd is not appropriate: it is well established that the correct parameter for planning is need, rather than demand, which is almost unlimited and therefore impractical as a planning tool.

Para 30 It is important that there is careful consideration of which employment land should be safeguarded and not 'morphed' into higher margin housing land in places that would prejudice future industry in suitable locations. This will deter economic growth and lead to people being unhappy with the setting of their housing communities. This paragraph as written does not safeguard employment land. Also consideration of Town Centres needs to pay attention to their role and the state of town centres vs edge of town development. This must not detract from town centres.

Para 34 Sustainability Appraisal should note that this includes the European Statutory SEA, and requires a sustainable development framework to be in place. In the absence of the RSS this will need to be generated locally using appropriate references.

Para 38. Health and well-being needs to include reference to air pollution and the management of air pollution black spots. These are planning context issues.

Para 39/40/41 As written there is an implicit 'predict and provide' approach in the draft . It is already proven that 'plan, monitor, manage' is a much better approach. This should not be lost. As stated earlier it is not the role of planning to determine the viability of a site for development : the Local Plan sets the framework and it is then up the landowner and the developer to work up a proposal that fits the plan. The CIL needs to be either part of the Local Plan or, more likely, in a following DPD. Either way it must be examined. Also it should not be the role of parishes or neighbourhoods to assess the cumulative impacts of development.

Para 44, 45, 46 , 47 It is unlikely that there will be sufficient cooperation to take the place of much needed 'larger than local' policy . Will towns that traditionally compete now suddenly 'flip' to the necessary level of cooperation on cross boundary issues and 'unmet needs', especially between unitary authorities where there is no higher local level to encourage contact?. Who will identify unmet needs? What guidance will Inspectors follow in examination?

Para 50/51 There may be confusion and conflict between 'general conformity' with the local plan and neighbourhood policies 'taking precedence'. There is also a danger that neighbourhood policies may be less robustly prepared. Will they be sound?

Development management

Para 53 The primary role of development management is to deliver and implement the strategy, policy and proposals of the Local Plan. In so doing it will secure sustainable development and if proposals are inline with the Local Plan they will be positively considered. It behoves all interests to engage with the preparation of the Local Plan. If a proposal is not in line with the Local Plan it should not be approved, without further public consultation. As written this paragraph could be misapplied as meaning that development management should always approve proposals. This would be bad planning, and wrong.

Para 57/ 58 Concerning pre application discussion, this should be even handed: a developer should be able to require the local authority to engage with them and the local authority should be able to require the developer to engage. There should also be timely response from statutory consultees.

Para 59/60/61 For all larger development proposals there is a requirement to either obtain exemption by a scoping opinion or to undertake an EIA (environmental impact assessment, which include wildlife and heritage impact) and transport and flood risk appraisal studies followed by, or concurrent with, statutory and neighbourhood consultation. It is the studies that take the time, but are essential to ensure that the development proposal is not only in line with the local plan, but is also compliant with environmental regulations. This is never a waste of time: vital evidence and local intelligence emerge from the studies and the consultation that is almost always useful in improving the proposal. We agree this work should be done in a timely manner, but the studies must done using approved methodology and correctly (i.e be reproducible), and properly reported so that the information is available. It is worth noting that after this fact finding stage the actual process of a planning application is usually very rapid assuming the proposal is in line with the agreed Local Plan.

Para 65/66 While we support the principles of localism behind the neighbourhood orders, we think it is unwise to skip the planning application process. This is well established and its format enables promoters to clearly communicate what is proposed and planners and local people to comment on them, and often improve them. We think it would be better to streamline but not drop planning applications.

Para 67. Development as proposed is either acceptable or not. It is wrongminded to think that conditions can make a bad development into a good one. This should not be confused with that which occurs frequently for large schemes, i.e that a list of conditions is agreed to ensure that a number of enabling tasks, such as access roads and travel plans are done. These should continue.

Economic development

Para 73/74. There is no reference to what should happen to Community Strategies : these are meant to be the overarching strategies for a local authority, within which the Local Plan / Core strategy/ LDF sets out

the plans concerning detailed spatial planning policies and broad locations for development. How much planners will be able to influence the environment will depend on the funding of improvements, eg to roads, public realm and public transport. It is planners' role to state clearly what the policies are and give clear reasons why a planning application is or is not permitted. If refused, it is for the applicant to propose solutions responding to the decision notice. This is not the role of planners.

Para 75 For the reasons explained in relation to para 30 above, it is not sensible to abandon the long term protection of employment land, without a clear idea that some may need to be safeguarded. Employment land may be occupied by noisy, or dirty or heavy traffic use activities. They are all important, and they need somewhere to be that does not cause noise nuisance for neighbours. Also well established small industrial estates can provide low cost premises for vital small business. It is important to resist the temptation by some developers to sweep them away and replace them with new housing yielding a higher return to the developer, but leaving small business with nowhere to go that is affordable. We are not against some flexibility, but as written this paragraph seems to give little thought to places that offer valuable start up facilities nor to other types employment. This seems curiously inconsistent with the wider government agenda of business and growth.

Para 77 and 78 should be combined to avoid misunderstanding

Para 81 The primary role of agricultural businesses is agriculture, diversification should be supported where required and where appropriate. (Eg warehousing is often proposed, but the roads are often unsuitably narrow for non local vehicles.) Although communication is addressed later in 95, adequate broadband is a vital piece of infrastructure for the rural economy.

Transport

Paras 82-94 The focus of this section appears to be on development management policy rather than strategic transport planning. While we appreciate the focus on choice of travel mode, and the emphasis on cycling and walking, this is necessary but not sufficient. Transport statements are mentioned but not Local Transport plans. There is no recognition of the importance of strategic transport within the context of spatial strategy. Rail freight interchanges are mentioned in passing but with no reference to any mechanism by which they might get to be in the right place. We have deep experience of them being proposed in the wrong place. There needs to be a recognition that transport planning does require a strategic spatial approach and other development needs to work with the transport plan. This even more important when funding is very scarce. We also note that the emphasis is on people movement rather than goods, roadside facilities are for motorists safety and welfare. There is no mention of HGV facilities or drivers' safety and welfare: a bigger issue, we suspect not only in Kent.

Is other Transport policy guidance planned , as for waste? If so there should be reference to it.

Minerals

Paras 100-106 Given the level of detail included , there should also be a paragraph stating that the countryside should be protected; minerals should be substituted by recycled material reducing extraction needs, and where extraction takes place there should always be an agreed reinstatement plan.

Green Belt

Paras 133- 147. This section goes into great detail to spell out the exceptions to inappropriate development in Green Belt areas. However the NPPF does not say that the presumption in favour of sustainable development does not apply to Green Belt areas, and as there is a requirement to take the NPPF as a whole, the exceptions to inappropriate development are not sufficient. Para 138 about the permanence of the Green Belt is undermined by para.139. Also Community Right to Build should not get off to a bad start by being permitted in the Green Belt and should be deleted from the list in para. 145.

Appendix 1

The Top Five 'Planning Myths':

1. The default response to a planning application is "No"

- Government statistics show that for at least a decade more than 8 in 10 planning applications are granted. The figure for major commercial applications, critical for economic growth, is higher at around 90%.

2. Planning is slow

- Councils as a whole meet or exceed the 8 or 13 week application targets set for them by the government. Only 0.7% of planning applications take longer than 12 months to reach a decision.

3. Planning is costly

- Costs continue to fall. Application fees are very small in comparison to the potential profits of development.

4. Planning is a drag on economic growth

- Planning significantly contributes to growth. The certainty provided by the planning system is essential in supporting business investment decisions.

5. Planning forces house prices up

- The current slump in house building is the result of a lack of finance, both for homebuyers and house builders, prevalent since the "credit crunch". The slow-down in planning permissions is the result of a lack of planning applications. There is not a lack of houses, premises to convert or sites to build on. In England, there are around 750,000 empty homes, nearly half of which have been empty for over 6 months, and developers have permission for around 300,000 homes they are not currently building.

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Appendix 2

Chapter 3 . Neighbourhood Planning : Extract from submission on the Localism Bill 03/11

KFAS and CPRE Protect Kent have identified several key issues on neighbourhood planning which the Bill needs to address:

1. Attention should be paid to the **capability and culture** of participation as well as the process of neighbourhood planning to avoid a breakdown between the new approach being introduced in the Localism Bill and the inability of communities and local authorities being able to implement it due to a cultural mismatch between them.

2. **A variety of techniques for public engagement** should be developed and encouraged, combining measures which engage a large number of people with other measures involving more in depth work with a representative cross section of the community and existing groups. A great deal of good preliminary work has already been undertaken on community planning through the national ACRE network. Please refer to <http://www.acre.org.uk/our-work/community-led-planning> Much of the community led planning work has been the completion and implementation of Parish Plans – a national technique supported by Defra and the Commission for Rural Communities. Specifically in Kent there are 50 completed "Parish Plans" and a further 38 under way. Please refer to <http://www.ruralkent.org.uk/ourwork/community-planning.htm> Therefore we specifically ask that these community planning exercises be given a "fast-track" procedure to become neighbourhood plans. Not to do so will be to alienate the very community activists that the Government is hoping to harness through the neighbourhood plan concept.

3. **Independent financial support, advice and facilitation** should be made available to community and voluntary groups in supporting local participation and in enhancing the skills and competency of local volunteers.

4.The approach to neighbourhood plans should be rolled out consistently, working equally well in both urban and rural areas and in areas both with and without a Town or Parish Council.

5.Good planning for a neighbourhood where the community has not yet been able to prepare a neighbourhood plan should not be **distorted** by the immediate introduction of a presumption in favour of sustainable development which would undermine public confidence in the new planning system.

6.Communities will need to see **new safeguards**, which underpin their commitment and investment in collaborative neighbourhood planning, and improve their confidence that plans will not be overridden or ignored. These include a **carefully defined community right of appeal** against the the grant of planning consent that conflicts with the neighbourhood plan, is unlawful, or has involved a breach of proper process. There needs also to be stronger enforcement against breaches of planning control.

7.The Bill will need to give new rights to communities where local councils do not, or are reluctant to genuinely devolve power to their local neighbourhoods.

8.The success of the Localism Bill will depend on the ability of local authorities to harness the passion that people have for the places in which they live and in supporting local communities to develop a shared vision for their area and a sense of **Civic Pride**.

In the many places that are not parished, there are existing pressure groups, societies and residents associations able to work together on a neighbourhood plan. Local authorities could help facilitate that cooperation by providing a contact list of local groups.

9.Effective measures will be needed to ensure that local councils have a duty to work with local communities and voluntary groups in addressing **cross boundary and strategic issues**.

10. Neighbourhood planning will require both the development of a network of independent enablers and facilitators with the necessary skills and abilities to support communities, and a change of attitude in many local authorities. More councils will need to move away from an approach based on “representation” and “consultation” to truly engage with their communities. The role of ward councillors in this will be crucial.

11. The availability of independent financial and professional support to neighbourhoods will be essential to ensure public confidence in the integrity of the process, and to achieve Neighbourhood plans that can be subjected to tests of ‘soundness’ and consistency with the Core Strategy They will need to be prepared on a professional basis and planned as a part of the LDF programme. For neighbourhood plans to emerge as a strong part of the planning process , communities need to be involved much earlier and local planning authorities will need to ensure that evidence is collected on a neighbourhood basis wherever possible so that it is readily available to neighbourhood forums.

12. As there are bound to be resource limits on the number of neighbourhood plans that can be generated, there needs to be a process to ensure that communities with the greatest needs have equal opportunity to engage and to prepare neighbourhood plans.

END of Appendix 2