

Planning Committee Report

London Thames Gateway Development Corporation

Draft National Planning Policy Framework Consultation

Report of the Director of Planning

1. Purpose

- 1.1 The purpose of this report is to update and seek the planning committee's views on the proposals and implications for the LTGDC in the Draft National Planning Policy Framework (NPPF), which has been published for consultation by the Government. The consultation is until the 27th October 2011. The draft Framework can be viewed at:
<http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>

2. Decision Required

- 2.1 That planning committee agree the proposed LTGDC response to the consultation set out at section 4 of the report, as well as considering any comments made by the LTGDC Board at their meeting on 3rd October, which will be reported verbally at the committee meeting by the Planning Development Manager.

3. Background

- 3.1 The draft National Planning Policy Framework is the Government's proposed attempt to streamline existing planning policy contained in Planning Policy Statements to one document, the National Planning Policy Framework. It is important to note, however, that the National Planning Policy Framework will exist alongside the decision making framework set out in national policy statements which are part of the overall framework of planning policy. National policy statements set out how nationally significant infrastructure projects are determined. Not all national policy statements have yet been drafted or adopted; at the time of writing, only the energy statements have been adopted. The framework also does not contain waste policies. National waste planning policy will be published alongside the National Waste Management Plan for England.
- 3.2 The policies set out in the draft framework apply to the preparation of local and neighbourhood plans and to development management decisions.

- 3.3 It is considered that the role of the NPPF in the planning system as a whole and how it sits alongside, for example, national policy statements, doesn't come across clearly in the NPPF. It would have been helpful to have a diagram setting out the role and function of different guidance and bodies such as the Infrastructure Planning Commission and local planning authorities.
- 3.4 The draft NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development follows the Bruntland definition from 1987 which means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.5 The draft NPPF says that for the planning system delivering sustainable development means:
- Planning for prosperity (an economic role);
 - Planning for people (a social role); and
 - Planning for places (an environmental role).
- 3.6 There are a number of changes to the presumptions in the planning system that are brought in by this draft NPPF. The most publicised of these is the 'presumption in favour of sustainable development'. The relevant extract is copied below.

14. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:
- prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes
 - approve development proposals that accord with statutory plans without delay; and
 - grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.
- All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
15. All plans should be based upon and contain the presumption in favour of sustainable development as their starting point, with clear policies that will guide how the presumption will be applied locally.

3.7 This section has proved particularly controversial, with the Council for the Protection of Rural England and the National Trust being opposed to it.

4. Proposed LTGDC response

4.1 The proposed LTGDC consultation response to the draft NPPF is set out below. The response includes comments on the status of the NPPF and presumption in favour of sustainable development, as well as other issues that are of importance to LTGDC.

4.2 Role of LTGDC and general comments

4.2.1 The London Thames Gateway Development Corporation (LTGDC) is the Government's lead regeneration agency for east London. LTGDC is an Urban Development Corporation with development control planning powers, the ability to buy and develop land, CPO powers, funding, and the appropriate skills and attitude to bring regeneration forward. LTGDC is regenerating its areas by helping to bring forward new homes and jobs.

4.2.2 LTGDC has responsibility for two areas, the Lower Lea Valley (excluding the Olympic Park) and London Riverside. The Lower Lea Valley area includes parts of the London Boroughs of Tower Hamlets, Newham and Hackney. The area is being transformed through land use change from industrial to residential and the creation of new infrastructure such as open space and improved transport and connections through the valley. London Riverside is situated on the north bank of the Thames and includes parts of London boroughs of Newham, Barking and Dagenham and Havering. The area is 15 square miles, including Beckton and Barking town centre in the west and Rainham in the east. Although regeneration is ongoing, there is still a large amount of vacant previously industrial land in the area.

4.2.3 LTGDC welcome the publication of the draft National Planning Policy Framework(NPPF) for consultation. LTGDC welcome the attempt to shorten and simplify existing government planning policy guidance so that it is easier to interpret and apply. LTGDC are broadly supportive of the draft NPPF as a whole. However there are a number of areas, as set out below, where the draft NPPF could be amended for clarity, and where amendments would help bring forward sustainable development and growth in the LTGDC area.

4.3 Role of NPPF in Planning System

4.3.1 It is considered that the role of the NPPF in the planning system as a whole and how it sits alongside, for example, national planning policy statements and local plans, doesn't come across clearly in the draft NPPF. LTGDC suggest that a diagram is included setting out the role and function of different guidance and bodies such as

the Infrastructure Planning Commission and local planning authorities.

4.4 Presumption in Favour of Sustainable Development

4.4.1 LTGDC are broadly supportive of the presumption in favour of sustainable development. This is because there is still the opportunity for local planning authorities to refuse development even if they do not have an up to date development plan if the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. However, it would be useful if, as set out elsewhere in this response, if the NPPF confirmed that up to date Supplementary Planning Documents will continue to have material weight and proposals could be assessed against such guidance in the absence of an up to date development plan.

4.4.2 LTGDC also consider that there should be more prominence given to the continuation of a plan led system in revisions to the NPPF, perhaps by stating that planning should be plan led alongside the presumption in favour of sustainable development. At present the draft NPPF does not say that planning should still be plan led until point 9 bullet point 1.

4.5 Strategic Planning and the Duty to Cooperate

4.5.1 The duty to cooperate will be enshrined in the Localism Bill when enacted. In London, Strategic Planning is retained through the London Plan, whilst in the rest of the country, the Regional Planning Statements have been removed through the Localism Bill. The planning policy framework will therefore consist of National Policy Statements (NPS) for infrastructure, the National Planning Policy Framework, and local plans as required through the National Planning Policy Framework. The Duty to Cooperate is intended to ensure that strategic issues across local authority boundaries are addressed. The draft NPPF says at paragraph 31 that local authorities should take account of the need for nationally significant infrastructure in their areas. The NPSs for energy infrastructure say that infrastructure is needed, but apart from Nuclear Power, do not say where such infrastructure should go. It is difficult to see how infrastructure requirements can be fully addressed at a local level. Good infrastructure planning has been difficult to promote even within the LTGDC area and within the context of strategic planning from the GLA. LTGDC is unconvinced that the Duty to Cooperate will be enough to ensure good infrastructure planning. LTGDC considers that this should be addressed through changes to the NPPF or the format and content of NPSs.

4.6 Brownfield Land

- 4.6.1 The draft contains no targets for the % of development to be built on brownfield land, therefore effectively removing the existing 60% target. This is a concern for LTGDC, given that all the land in our area is brownfield land, much of which has been difficult and expensive to build on. There is a concern that removal of the brownfield target will mean land in LTGDC area will take much longer to build out than currently anticipated as other easier to develop greenfield land will be developed first.
- 4.6.2 There appear to be few other mechanisms in place to support development in areas such as LTGDC's or other important regeneration areas in the draft NPPF. LTGDC would welcome further support for the development of brownfield land including commitments to investment in strategic infrastructure to support and bring forward new development. LTGDC would also welcome the reinstatement of the brownfield land target, or another measure to require brownfield land to be developed before greenfield.
- 4.6.3 It is worth noting that local authorities with large stores of brownfield land tend to be more positive and open to new development than some authorities in rural or greenbelt locations. In the LTGDC's area, planning documents are planning for 64,000 new jobs and 57,000 new homes. Although investment in infrastructure is needed to help bring all of these jobs and homes forward, it would be less sustainable to develop greenfield land when this brownfield land provides such a great opportunities for regeneration and growth.

4.7 Transport

- 4.7.1 The transport section of the NPPF is quite vague and capable of wide ranging interpretation by individual local authorities, developers and the government.
- 4.7.2 In LTGDC's view, section 85 which states *"Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable economic growth, including large scale facilities such as Rail Freight Interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user"* and will not prove to be an adequate or practical way to plan for the infrastructure that is necessary. Even with a strategic planning body in place and a cross London transport provider, LTGDC has found it very difficult to ensure that the

transport improvements necessary to support the sustainable regeneration of London Riverside are brought forward. Without more national or regional direction over where strategic transport infrastructure should be provided and high level government commitment to its funding and implementation, LTGDC cannot see that the infrastructure to support sustainable economic growth will come forward. National Policy Statements for transport have yet to be written, so it may be that the government is anticipating setting out a detailed location specific strategy for required transport infrastructure in those documents. LTGDC would support such an approach.

4.8 Promoting the Vitality and Viability of Town Centres

4.8.1 The framework is still positive about town centres and continues to promote them. A sequential approach is still applied for retail and leisure uses. However, offices are not included within the sequential approach outlined which could potentially undermine town centres and the aspirations for sustainable development set out elsewhere in the framework. The sequential test should be redrafted to include offices.

4.9 Status of SPD and Planning Briefs

4.9.1 It is unclear from the draft NPPF whether adopted SPD or planning briefs carry weight in the system or if the default answer is still yes if the statutory plan itself is out of date, but SPD is up to date. This is important, for example, in a large development area near the Olympic Park called Sugar House Lane. The LTGDC has adopted a Land Use and Design Brief for the area and carried out significant public consultation, but the LDF is not yet in place and the UDP is out of date. LTGDC would want to ensure that they could consider development proposals against the criteria in the SPD which is up to date. It is also important for developers to have certainty over what the local planning authority will require from large development sites and developers have welcomed the opportunity to work with LTGDC in the preparation of Land Use and Design Briefs. LTGDC requests that this issue is clarified in the next version of the NPPF by stating that SPD will still carry material planning weight in order to provide certainty for developers, local planning authorities and local communities.

4.10 Certificate of conformity

4.10.1 At section 26, the draft NPPF states “It will be open for local planning authorities to seek a certificate of conformity with the framework”. It is not clear exactly what the process will be for this or whether there will be options for part conformity (which would be more helpful) or whether there would just be ‘yes’ or ‘no’ answers.

This issue should be clarified as it will be especially important in the LTGDC area where there are a number of Core Strategies that have been recently adopted. It is also related to the point above regarding the status of SPD and planning briefs.

4.11 Monitoring Reports

4.11.1 The requirement for Annual Monitoring Reports (AMR) to be prepared on an annual basis to set standards and submitted to CLG has been removed. LTGDC considers that this is unfortunate as AMRs were a useful, consistent source of information for bodies such as LTGDC who work across Local Authority Areas. AMR are useful and practical for the development industry. AMR also provide a consistent way of comparing development and the implementation of the planning system across the country. The requirement to carry out AMR in a consistent way should be reintroduced.

4.12 Enforcement

4.12.1 The draft NPPF doesn't mention the enforcement regime. There should be some guidance in the document regarding the role of enforcement in the planning system and how proactive enforcement can help achieve development plan objectives and sustainable development.

Date: 13 September 2011