

Decision Maker: **Development Control Committee**

Date: **8 September 2011**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSULTATION DRAFT NATIONAL PLANNING POLICY
FRAMEWORK**

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Chief Officer: Bob McQuillan, Chief Planner

Ward: Boroughwide

1. Reason for report

- 1.1 The Government (Department for Communities and Local Government) issued (in July 2011) the draft National Planning Policy Framework for consultation. Responses have been invited by 17th October 2011.
- 1.2 This report seeks the Committee's endorsement of the approach and key issues to be raised in the Council's response. This will be refined in the final weeks of the consultation taking in to account the emerging responses from other bodies whose responses the Council may wish to refer to and comment on. It is suggested that the final response is submitted to Government by the Chief Planner in consultation with the Committee's Chairman.
- 1.3 The draft National Planning Policy Framework comprises less than 60 pages and proposes to replace up to 1000 pages of planning policy.
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2. **RECOMMENDATION(S)**

That Development Control Committee:

- 2.1 Agrees that Appendix 1 together with paragraphs 3.5 and 3.6 form the basis of the Council's response to the draft National Planning Policy Framework and that the formal response is agreed by the Chief Planner in consultation with the Committee's Chairman for submission by the 17th October deadline.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough residents and those employed in and visiting the Borough.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Government in recent months has issued a series of consultations relating to planning. The draft National Planning Policy Framework (NPPF) being the most anticipated and central to the Government's overall approach. The consultation was issued in July and responses invited by 17th October 2011.
- 3.2 The Government in its impact assessment accompanying the draft NPPF states in its policy objectives that "a more streamlined set of planning policy documentation , which aims to reduce the burden and bureaucracy of the existing system, will allow it to work both effectively and efficiently, by:
- Improving the clarity of national policy so as to give developers greater certainty, reduce costs and burdens for business, and promote sustainable development;
 - Handing back power to local communities to decide what is right for them – instead of imposing an excessive number of rigid rules from the centre; and
 - Being more user-friendly and accessible, so that it is easier for members of the public to have a meaningful say in planning decisions."
- 3.3 The draft NPPF is set out in less than 60 pages and is stated as replacing over 1000 pages of policy. It would, if agreed, cancel 25 Planning Policy Statements and Guidance Notes, a number of Circulars and explanatory letters to Chief Planning Officers.
- 3.4 The scale and scope of the questions being asked by Government and the analysis and potential response is very substantial. These tend to seek a one word response, e.g. agree/disagree. However, it is proposed that Bromley comments on those issues which are of particular interest to Bromley and contributes to other broader responses as appropriate with regard to more general points to manage the response process as efficiently as possible. Notwithstanding this there are some key general points which it is suggested that Bromley makes with respect to the overall document.
- 3.5 *While the Council would agree that there is scope for streamlining the planning system the approach adopted in the draft NPPF removes at a single stroke policy guidance which in some areas has taken years to develop and refine, and which has been used effectively by local planning authorities and understood by developers and local communities. The relative brevity of the document which covers such a wide range of topics works against the policy objective of providing clarity as to policy and providing certainty. There are areas of ambiguity, gaps in policy and potential conflict between sections. It is difficult to assess the extent to which power will be handed back to local authorities and communities.*
- 3.6 *There is no reference made to the London Plan which in London is an important layer in the planning process and restricts /guides the nature of many policies for the boroughs. There is a question as to how the general nature of the document and shortage of detail will make it easier for members of the public to have a meaningful say in planning decisions.*
- 3.7 The draft National Planning Policy Framework 's introduction states " The Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. Planning has a key role in securing a sustainable future." It goes on to state that the system should be based on:

- “National policies which set out the Government’s requirements for the planning system and how these are expected to be addressed
 - Local and neighbourhood plans, which empower local people to shape their surroundings; and
 - Development management, which allows planning applications to be considered on their merits, within this national and local framework. “
- 3.8 (it) “provides a framework with which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.”
- 3.9 After the introduction the Framework is set out in six sections, delivering sustainable development, plan-making, development management, planning for prosperity, planning for people and planning for places.
- 3.10 The Framework sets out a clear presumption in favour of sustainable development and states that ‘Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible:
- 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.
- 3.11 This is a shift in emphasis from the present position as set out in Section 38 (6) of the Planning and Compulsory Purchase Act 2004 “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 3.12 The Government is also asking views on the impact of the draft framework on the number of planning applications and process for determining applications. At this stage it is difficult to forecast the impact, however, the emerging view from professional bodies and local authorities is that give the brevity of the guidance and the scale of policy cancelled, much of which has developed over many years and is used on a regular basis in the development management process there will be further policy detail required. In the meantime should the national planning framework be as general as currently suggested it is anticipated that there will be a significant increase in the proportion of applications progressing to appeal and increased costs, in particular, for local authorities.

4. POLICY IMPLICATIONS

- 4.1 The national planning policy framework currently comprises 25 policy statements and additional circulars and letters of clarification to Chief Planners. These provide an important in development management and the context for the London policy (The revised London Plan was published on 22nd July 2011. Potentially the reduction in national policy will require clarification with regard to specific areas or issues and additional local policy to be developed.

Non-Applicable Sections:	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	<p>Draft National Planning Policy Framework DCLG July 2011 http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf</p> <p>Draft National Planning Policy Framework Consultation DCLG July 2011 http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951747.pdf</p> <p>Draft National Planning Policy Framework – Impact Assessment DCLG July 2011 http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf</p>