

Draft National Planning Policy Framework: Summary and Comments

The draft NPPF was published for consultation on 25 July and the consultation period runs until 17 October. It is intended to replace all existing Government planning policy guidance in PPGs and PPSs.

This note summarises the document, highlighting the main changes from existing policy, and identifies potential issues on which it is recommended that we comment. There is substantial repetition in the document (for example the phrase “presumption in favour of sustainable development” appears 19 times) and these notes try to avoid this by covering points where they are set out most fully.

Descriptions of the document content are in normal text and Officer comments are in *italic text*

Introduction (paras 1-8)

This section refers to the main themes of the document. Para 5 states that the NPPF sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within 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.

Paras 6 and 7 exclude nationally significant infrastructure projects which are covered in separate national policy statements that will remain, and waste planning which is to be covered in a separate policy statement that will sit alongside the Government’s proposed National Waste Management Plan for England. Local authority waste plans should have regard to the NPPF.

Comments

In principle the simplification of national planning policy guidance and its consolidation into one document is to be welcomed.

Delivering Sustainable Development (paras 9-19)

Para 9 states that the purpose of the planning system is to contribute to achieving sustainable development. Para 10 identifies three components of sustainable development:

- Planning for Prosperity (an economic role)
- Planning for People (a social role)
- Planning for Places (an environmental role)

Para 11 refers to the three components being pursued in an integrated way and para 12 equates sustainable development with the contents of the NPPF (i.e. if development is consistent with the NPPF it’s sustainable).

Appendix

Para 13 states that the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth and that planning should encourage growth not act as an impediment. Significant weight should be placed on the need to support economic growth through the planning system. Para 14 describes the presumption in favour of sustainable development as “a golden thread” running through planning. It continues:

“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.”

Para 15 states that all plans be based on and should contain the presumption in favour of sustainable development as their starting point

Para 19 contains a set of core planning principles which begin with the planning system being plan-led. It also includes the phrase that the default answer to development proposals should be yes except where this would compromise key sustainable development principles in the NPPF. The remaining core principles largely summarise existing policy.

Comments

The NPPF places great weight on the presumption in favour of sustainable development, which it equates with the content of the NPPF. The focus in considering planning applications will be whether the sustainability test is met yet in many cases this will not be clear as the NPPF is written in terms that support development unless there are overriding objections. In these cases the decision on whether the development is “sustainable” will require a judgement weighing up a range of issues rather than clearly point the way to a specific decision. It seems inevitable that more appeals will result revolving around whether the test is met. Some greater clarity could be achieved if para 14 stated more positively that decisions should be made in accordance with local plans, which would give more certainty of outcome and confirm the role of local plans in determining what development will be sustainable in their area.

Although para 19 states that the system is plan-led, in practice it may be less so for developments that do not accord with the plan, particularly where the presumption in favour extends to situations where the plan is silent or indeterminate. The Government’s approach logically suggests that the

Appendix

presumption should apply to developments on which there are no relevant policies in the plan but extending this approach to indeterminacy could lead to avoidable debate over the weight to be given to plan policies that necessarily use criteria to assess development and it is suggested that the wording should be amended to replace “silent or indeterminate” with “no relevant policies”.

Para 14 refers to meeting objectively assessed development needs unless the impacts outweigh the benefits. In Sevenoaks impacts could include potential loss of Green Belt and the weight to be attached to the Green Belt in the NPPF is considered is considered under comments on paras 133-147 below.

Plan Making (paras 20-52)

Para 20 states that local plans should aim to achieve sustainable development, meet objectively assessed needs unless adverse impacts would significantly and demonstrably outweigh benefits.

Para 21 maintains the requirement to produce a District-wide plan and highlights the ability to review local plans in whole or part. Other DPDs and SPDs can be produced where justified. SPDs should not add to the burden on development.

Paras 23 and 24 include requirements for local plans most of which are unchanged. There is support for allocating sites to promote development and also for identifying areas where it may be necessary to limit the freedom to change use of buildings.

Para 26 defines an up to date plan as one that is consistent with the NPPF. Absence of up to date plan means decisions should be based on NPPF. Local authorities can seek a certificate of conformity for existing plans.

Paras 27-38 deal with a range of substantive issues under the heading “Using a proportionate evidence base”. These include housing, business infrastructure and minerals requirements, environmental assessment, historic environment and health and well-being. Para 28 on housing maintains the requirements for SHMAs and SHLAAs. SHMAs should address needs but cater for demand.

Paras 39-41 on ensuring viability and deliverability stress that obligations and policy burdens should not threaten viability. This should include facilitating development throughout the economic cycle (para 41). Para 40 refers to the role of the Community Infrastructure Levy (CIL), including the proposal that a meaningful proportion of funds raised should be placed under the control of neighbourhoods where development occurs.

Paras 44-47 cover planning strategically across local authority boundaries, including the duty to cooperate. Para 45 requires authorities to work collaboratively on strategic planning priorities to enable delivery of sustainable economic growth in consultation with Local Enterprise Partnerships. Para 46

Appendix

requires evidence of cooperation on issues with cross-boundary impacts and para 47 states that joint working should enable lpas to meet requirements that can't be met within their own areas.

Para 48 introduces a new soundness test for examinations – whether a plan is positively prepared, meaning that it should be based on a strategy which seeks to meet objectively-assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistent with the presumption in favour of sustainable development. The effectiveness test is amended to include effective joint working on cross boundary strategic priorities.

Paras 49-52 cover Neighbourhood Plans including the requirement for conformity with the strategic policies of the local plan. Para 50 states that Neighbourhood Plans can promote more development than local plans. Para 51 states that, subject to compliance with strategic elements of the local plan, Neighbourhood Plans take precedence over local plans and local plans should avoid duplicating Neighbourhood Plans.

Comments

The wording in para 21 which allows for other DPDs, in addition to the Core Strategy, to be prepared where justified is supported and should cater for situations like ours where we have followed previous guidance in concentrating on key issues for the Core Strategy and reserving matters of detail for other documents.

The text on SPDs (also in para 21) should be amended to incorporate the established principle that they should not be used to introduce or amend policies that should be included in a development plan, wording that is necessary because SPDs are not subject to the statutory procedures, including independent examination, that apply to development plans. This would provide a context for the statement that SPDs should not add to the 'financial burdens' on development. We use SPDs to provide guidance on the implementation of Core Strategy policy, including policy on developer contributions and affordable housing, but the "financial burden" is established through the Core Strategy not the SPD.

The certificate of conformity for existing plans (para 26) is an unprecedented centralising measure that, if applied rigidly, risks undermining the plan led system the NPPF claims to support by rendering existing plans out of date and of little value as a basis for decision making. Para 26 could be read as rendering every existing plan out of date in that the NPPF contains changes from current national policy that cannot be fully reflected in plans adopted before its publication. To support the plan led system, as the NPPF professes to do, and ensure a smooth transition to the new system the NPPF needs to incorporate positive recognition of the value of existing plans, particularly core strategies that have recently been found sound. It should not be drafted in a way that undermines recently-adopted plans.

Appendix

Unfortunately the NPPF gives no guidance on how applications for certificates will be considered. The Government should take a practical approach that is supportive of Councils that have got on with producing and adopting plans and it should recognise that plans produced before the NPPF was published cannot be expected to comply word for word with the new document.

Paras 44-47 respond to the duty to cooperate in the Localism Bill and criticisms that have been made about the lack of strategic planning above District-level, yet the way this section as written is vague in terms of what Districts are expected to do and what the outcomes should be. Greater clarity is needed particularly given that compliance is to be part of a soundness test in examinations.

Para 51 on the relationship between neighbourhood plans and local plans needs to recognise that neighbourhood plans are voluntary and many communities will not choose to prepare them. In Sevenoaks there is currently limited support from parishes wishing to prepare neighbourhood plans. The NPPF should acknowledge that local plans prepared by District Councils will still have a role in setting out detailed policies and site allocations and that there is a potential role for non-statutory parish plans to be adopted as SPDs provided they are consistent with District-wide plans.

Development Management (paras 53-70)

Paras 53-55 require a positive approach to development, incorporating the Government's existing statement requiring significant weight to be attached to the benefits of economic and housing growth.

Paras 56-61 promote pre application discussions as a means to securing better outcomes. Local authorities are asked to encourage such discussions and statutory consultees are also urged to participate. Para 60 states that planning performance agreements should be considered where they will achieve faster and more effective outcomes.

Para 62 states that Local Plans are the starting point for determining applications but para 63 says lpas should apply the presumption in favour of sustainable development in considering proposals.

Para 64 promotes Local Development Orders, which permit specified types of development in defined locations, and limits use of Article 4 directions to where it is necessary to protect local amenity or well being of an area, referring as an example to demolition of local facilities. Paras 65 incorporate references to Neighbourhood Development Orders and Community Right to Build consistent with previous Government statements on these measures which form part of the Localism Bill.

Paras 67-70 cover conditions and obligations in a way that is consistent with current guidance. Para 70 states that local planning authorities should avoid

unnecessary conditions or obligations, particularly when the viability of development proposals would be undermined.

Comments

Paras 62 and 63 when read together give reduced weight to development plans as they now sit alongside the general presumption in favour of development. Given that the Government wishes to see the presumption in favour of sustainable development incorporated into development plans these paragraphs could better be expressed as a presumption in favour of the development plan with the separate presumption in favour of sustainable development coming in to play when there is no relevant development plan policy.

There is no reference in this section to the status in decision making of emerging development plans, which is currently contained in the supplement to PPS1 and would be lost if it is not included in the NPPF. This guidance is valuable and would be helpful to local authorities bringing forward new or amended plans consistent with the NPPF. It also helpfully clarifies the status of emerging plans for the benefits of users of the system.

Paras 67-70 should make reference to the Community Infrastructure Levy and its interaction with planning obligations.

Planning for Prosperity: Business and Economic development (paras 71-81)

Para 72 lists objectives relating to business, town centres and the rural economy.

Paras 73-75 cover supporting economic development largely consistent with existing policy. Para 73 includes lack of housing as a barrier to investment and para 75 states that plans should avoid long term protection of employment land, adding that applications for alternative uses should be treated on their merits having regard to market signals and relative need for different land uses.

Para 76-80 cover town centres. The sequential approach giving preference to town centre locations is maintained for retail and leisure uses but not for offices. Para 78 introduces a reference to viability in applying the sequential test. Para 80 includes the impact test for out of centre retailing but there is no needs test.

Para 81 requires a positive approach to development in rural areas to support the local economy

Comments

The reference in para 75 to long term protection of employment land needs some qualification. The paragraph states that need for different land uses should be taken into account in considering alternative uses which would suggest that sites can be protected where they are needed and a qualification

Appendix

to state that sites should only be protected where there is evidence that they are needed should be sought. Without such qualification the District's ability to maintain a stock of employment land to meet future needs will be threatened.

There are several comments on the town centre section:

- It does not re-introduce the needs test as promised in the Government's pre-election green paper "Open Source Planning". This test would assist in maintaining town centre viability and an amendment to introduce it is recommended.*
- The weight to be given to the sequential test in decision-making on planning applications should be clarified particularly the existence of a sequentially preferable site. The text as drafted could be read as giving this very little weight. Existing policy in PPS4 (Policy EC17.1) allows for permission to be refused where the sequential test is not met and the development is contrary to an up to date development plan. The retention of this wording is supported but if that is not acceptable to the Government wording should be added to the effect that development would not be regarded as sustainable if it fails the sequential test.*
- The requirement in PPS4 (Policy EC15.1) that developers and operators should demonstrate flexibility in terms of scale, format, parking and disaggregation in making sequential assessments is important in promoting the growth of town centres. This approach needs to be retained in the NPPF and is essential to ensure a balanced consideration of whether town centre and edge of centre sites are suitable as an alternative to out of centre.*
- Commentators have expressed concern at the removal of offices from the town centre policy. In practice this is less important for us because we are not a centre for major office development but offices logically fit in to the town centre first approach given that they are major traffic generators and employees can contribute substantially to the town centre economy. It is considered that offices should be retained in the town centres policy as in PPS4.*

Planning for Prosperity: Transport (paras 82-94)

Para 82 states that the transport system should be balanced in favour of sustainable modes but adds that solutions will vary between urban and rural areas. Para 83 supports a pattern of development that, where reasonable to do so, facilitates use of sustainable modes of transport and para 88 requires development that generates significant movement to be located where the need to travel will be minimised and the use of sustainable modes maximised.

Para 84 states that transport policy should also facilitate economic growth and para 85 states that strategies should be produced to provide transport infrastructure to support economic growth. This includes a reference to roadside facilities for motorists.

Para 86 retains requirements for transport assessments set by local criteria.

Paras 88-94 cover reducing emissions and congestion and largely reflect existing guidance. Para 89 requires facilities for electric vehicle charging and para 90 supports Travel Plans

Para 93 lists factors to be taken into account in setting standards for new development but no specific standards are set, which means there will no longer be national parking standards.

Comments

This section largely reflects existing guidance with the deletion of maximum parking standards, which we may wish to support. No specific concerns.

Planning for Prosperity: Communications Infrastructure (paras 95-99)

This section broadly reflects existing guidance, including consideration of telecommunications masts.

Comments

No comments on this section.

Planning for Prosperity: Minerals (paras 100-106)

This section broadly reflects existing guidance. (Note: subject to further scrutiny)

Comments

No comments on this section.

Planning for People: Housing (paras 107-113)

Para 107 states that the key objective is to increase housing supply and adds that everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live.

Para 109 identifies measures to increase the supply of housing. It states that the Local Plan should meet the full requirement for market and affordable homes in the area. It requires a five year supply of deliverable sites plus 20% to ensure choice and competition. The definition of deliverability is amended through a footnote stating that in particular development of the site should be viable. The definition of developable for sites after year 5 is also changed to include a reference to viability. Guidance on windfall sites is unchanged.

Para 110 repeats earlier guidance requiring objectively assessed needs to be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits and also applying the presumption in

Appendix

favour of sustainable development. It adds that permission should be granted where a local authority cannot demonstrate an up to date five year supply.

Para 111 covers housing size and type, including affordable housing. This section is short and deletes reference to the national threshold of 15 units for affordable housing provision. It retains reference to mixed and balanced communities and a preference for onsite over offsite provision.

Para 112 on rural housing states that local authorities should consider allowing market housing to facilitate affordable in rural areas. (Note: this wording does not appear in the reference to affordable housing in Green Belt areas – see below)

Para 113 includes an exception to policy for exceptional or innovative housing in rural areas (again not repeated in the Green Belt section)

Comments

Introducing a 5 year supply plus 20% requirement will mean that Districts may have to release more land for housing than is required to meet the provision in their plan. For Sevenoaks meeting this requirement should not pose a problem in the next few years because of the front loading of our housing supply, particularly the contribution of West Kent Cold Store. In the longer term the supply position may become tighter, particularly if the supply of smaller sites is not maintained. The change will increase the likelihood that Reserve Land will be needed later in the plan period.

A further potential issue with the five year supply is the reference to viability. An assessment of the viability of every site in the five year supply would be particularly onerous for Districts that have a large number of small sites, and may impact upon our LDS timetable. Using developer intentions as a proxy is a practical approach supported at the Core Strategy examination and could be integrated into the guidance.

The section on affordable housing is very thin and does not even reference affordable housing in the sub-heading, which may be indicative of its relative priority. PPS3 contains a statement that the Government is committed to providing high quality housing for people who are unable to access or afford market housing and it is considered that this policy objective should be retained. At minimum there also needs to be explicit support for the principle of requiring developers to incorporate affordable housing where there is a need, allowing for refusal where there is no provision.

The approach to rural exception sites encouraging incorporation of market housing is a departure from current guidance which sees rural exception sites as for affordable housing only. There is no longer any reference to rural exception sites being reserved for affordable housing in perpetuity or for local people. These are important aspects of ensuring success and gaining acceptance of the policy and need to be retained.

Gypsies and Travellers (not included in the NPPF)

The Planning for People section of the NPPF contains no mention of gypsies and travellers. Earlier in the summer the Government consulted on a draft Planning Policy Statement on Planning for Traveller Sites and on 9 August an email was received from Communities and Local Government inviting comments on a proposal to incorporate traveller sites policy into the NPPF and on the consistency of the two documents.

Comments

The principle of including policies on Gypsies, Traveller and Travelling Showpeople in the National Planning Policy Framework is supported. To do otherwise would undermine the aim of setting out all national planning policy in one document. However, the Council does not support incorporating Planning for Traveller Sites, as currently drafted, into the NPPF. Our representations dated 6 July sought a number of changes to the consultation document. Key points are set out in the supplement at the end of this response which also includes comments on consistency between the two documents.

Planning for People: Design (paras 114-123)

This section is largely based on existing policy. It includes the Government's objectives and policies to deliver high quality design. Para 117 recommends using design codes and overarching design policies to encourage good, locally sensitive design. Para 122 states proposals that can demonstrate good engagement with the community in developing the design of the new development should be looked on more favourably. Para 123 contains current guidance on outdoor advertisements.

Comments

The support for design codes is welcome and is consistent with the Residential Character Assessments programmed for the District's main towns and village design statements.

The promotion of engagement with the community is supported but it should be seen as a means towards achieving better quality development, not a reason in itself for permitting development, which the draft NPPF appears to suggest.

Planning for People: Sustainable Communities (paras 124-132)

Para 124 states that the planning system should:

- create a built environment that facilitates social interaction and inclusive communities

Appendix

- deliver the right community facilities, schools, hospitals and services to meet local needs; and
- ensure access to open spaces and recreational facilities that promote the health and well-being of the community.

Para 126 includes safeguarding against the unnecessary loss of community facilities, particularly those meeting day-to-day needs. It also requires investment to improve sustainability where housing is proposed in less sustainable locations.

Para 127 states that authorities should attach very significant weight to the desirability of establishing new schools. It allows for permission to be refused if these benefits are outweighed by adverse impacts on the local area. (Note there is no specific reference to change of use of buildings to schools which the Government had previously been proposing to remove from planning control).

Para 128 summarizes existing policy on identifying open space, sport and recreation needs. Para 129 states that these sites and premises (including playing fields) should not be built on unless they are assessed to be surplus to requirements or the need for and benefits of the development clearly outweighs the loss.

Para 130 introduces the new 'Local Green Space' designation which would have similar protection to Green Belts. These can only be identified through a development plan. Criteria for designation are contained in para 131 and include the space being reasonably close to a centre of population, being demonstrably special to the local community and holding a particular local significance and not being an extensive tract of land. It is stated that the designation will not be appropriate for most open spaces.

Comments

The section on community facilities is supported.

The introduction of the 'Local Green Space' designation looks like creating two categories of open space given that the NPPF envisages that the new designation would not apply to most open spaces. This may raise issues over identifying criteria for which open spaces comply with the new designation. However, the strong protection afforded to Local Green Space is to be supported and the principle of the designation is likely to be strongly support by local communities.

Para 129 on the loss of open space should include a requirement for replacement provision of equal value where open space is lost on the grounds of benefits from the development.

Planning for People: Green Belt (paras 133-147)

Appendix

The guidance on the definition and review of Green Belts and much of the policy on definition of appropriate and inappropriate development remains, together with the presumption against inappropriate development (Para 142). Crucially para 137 retains the wording that Green Belt boundaries should only be altered in exceptional circumstances.

Para 139 on considering the consequences for sustainable development when Green Belt boundaries are reviewed is also unchanged, but it needs to be seen in the context of the Government's new definition of sustainable development, with its greater emphasis on providing for development. Para 140 states that when defining Green Belt boundaries, LPAs should ensure consistency with Local Plan strategy for meeting identified requirements for sustainable development.

Para 144 introduces some changes to the definition of appropriate development. The test for facilities for outdoor sport and recreation is changed from essential to appropriate. Extension, alteration or replacement of a dwelling becomes the extension, alteration or replacement of a building. MDS policy is replaced with reference to the infilling or redevelopment of previously developed sites.

Para 145 adds local transport infrastructure and Community Right to Build to the list of developments that are not inappropriate provided they preserve openness. The guidance on re-use of buildings is also greatly simplified limiting the test to whether the buildings are permanent and substantial and that the re-use preserves openness and does not conflict with Green belt purposes.

Comments

Reading the Green Belt section in isolation would suggest there is no significant change subject to comments below on appropriate development. But this will only be the case in Green Belt Districts if the policy is seen as sufficient to override the requirement to meet development needs. The wording in para 140 that when defining Green Belt boundaries authorities should ensure consistency with meeting identified requirements for sustainable development might be read as requiring Green Belt release to meet development needs. However, the paragraph refers to defining rather than reviewing Green Belt boundaries and this interpretation appears inconsistent with the retention of wording about the permanence of Green Belt and boundary changes only in exceptional circumstances. Statements from ministers have also stressed that Green Belt policy is not being changed. Green Belt policy involves restraint on development and means that development needs are not all likely to be met in Green Belt areas. Some clarification to this effect within the final document would overcome potential inconsistencies that exist in the draft

The change to para 144 to allow replacement of buildings regardless of their use enables appropriate development (farm buildings) to be replaced by inappropriate development (houses and commercial buildings) effectively

Appendix

urbanising the Green Belt. It is an approach that could lead to a proliferation of scattered residential and commercial development in potentially isolated rural areas contrary to principles of sustainable development to a much greater degree than current policy which allows re-use but not replacement. The paragraph should be qualified to only apply to existing inappropriate development.

The change from essential to appropriate facilities for outdoor sport and recreation, also in para 144 is not supported. The essential facilities test is well established and understood and should be retained as should the helpful examples of essential facilities in PPG2.

The treatment of all previously developed sites on the same basis could also have adverse consequences raising hopes of infilling on small sites which would be incompatible with Green Belt status, whilst removing the special position of MDSs. The text should be amended to allow for Districts continuing to designate and produce local policies for major developed sites.

Planning for Places: Climate Change, Flooding and Coastal Change (paras 148-162)

Para 148 states that planning should fully support the transition to a low carbon economy in a changing climate. Para 149 adds that planning authorities should adopt proactive strategies to mitigate and adapt to climate change.

Para 150 states that requirements for building sustainability should be consistent with Government's zero carbon building policy (yet to be finalised).

Para 152 gives support to development proposals for renewables and low carbon energy. Para 153 refers to mapping of opportunity areas in plans and requires proposals outside mapped areas to meet the local criteria on which opportunity areas are based.

Para 155 retains the requirement for strategic flood risk assessments and para 156 retains the sequential and exceptions tests for locating development in areas liable to flood. Para 157 retains guidance on the use of flood risk assessments in dealing with planning applications. The classification of development by vulnerability to flooding does not appear except in a brief reference in a footnote.

Paras 159-162 deal with coastal change.

Comments

KCC is currently leading on the mapping of opportunity areas for renewables. It is unclear whether the NPPF is expecting such mapping to be in development plans. It would be helpful if the NPPF could clarify the intended

status of such maps though we are not expecting substantial areas to be identified in Sevenoaks.

The references to SFRA and FRAs contain no practical guidance on their content (they are not even listed in the Glossary). Some further guidance will be needed to avoid future disputes. The NPPF also needs to cover vulnerabilities of different types of development to flooding reflecting current guidance in PPS25.

Planning for Places: Natural Environment (paras 163-175)

Para 165, which repeats the overall approach of the NPPF to development, states that plans should aim to minimise adverse effects on the local and natural environment and that plans should allocate land with the least environmental or amenity value where practical, having regard to other policies.

Para 166 requires criteria based policies for the protection of landscape and wildlife sites.

Para 167 requires authorities to plan positively for green infrastructure and biodiversity networks. It also gives preference to development of lower grade agricultural land. It maintains the approach to major development in AONBs.

Para 168 covers planning for biodiversity reflecting existing guidance. It includes reference to indicators for monitoring. Para 169 states that permission for development should be refused if significant harm to biodiversity cannot be avoided. Proposals resulting in the loss or deterioration of irreplaceable habitats should be refused unless outweighed by the need for and benefits of the development. It also encourages biodiversity in and around developments.

Paras 171-175 cover noise and pollution and represent a greatly shortened version of existing guidance. Noise is covered in para 173 but there is no longer any reference to Noise Exposure Categories. Para 173 also includes a reference to identifying and protecting areas of tranquility. Para 174 makes cross reference to Air Quality Action Plans. Para 175 seeks to limit light pollution.

Comments

The text on the natural environment generally maintains existing policy and is consistent with the approach in our Core Strategy and the emerging Allocations and Development Management policies. No objection is raised.

Noise and air pollution are dealt with quite briefly and rather lost at the end of the Natural Environment section. The structure of the NPPF would benefit from making this a separate sub section in Planning for Places.

Appendix

Noise Exposure Categories should be retained as they provide an objective basis for assessing impacts/acceptability.

Planning for Places: Historic Environment (paras 176-191)

This section is largely based on existing guidance

Para 178 states that authorities should set out a strategy for the historic environment including heritage assets most at risk. It also refers to the desirability of new development making a positive contribution to local distinctiveness.

Para 180 puts the onus on the developer to describe significance of heritage assets affected while para 181 states that the planning authority should assess significance of assets affected.

Para 183 deals with harm to heritage assets. It states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional while substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, grade I and II* listed buildings and grade I and II* registered parks and gardens, should be wholly exceptional. Para 184 contains more detailed criteria. Para 185 requires a balanced judgement where the heritage asset affected is not designated including a reference to the presumption in favour of sustainable development.

Para 187 states that loss of a non designated building that makes a positive contribution to a Conservation Area should be treated as substantial harm to a designated heritage asset.

Para 188 suggests authorities should treat favourably developments that better reveal the significance of heritage assets.

Comments

Existing policy in PPS5 includes a presumption in favour of the conservation of designated heritage assets, stating that the more significant the heritage asset the greater the presumption. This is followed by the specific guidance that is retained in para 183 of the NPPF. The presumption is an important part of the policy and gives it added weight, especially when otherwise it is set against the new presumption in favour of sustainable development. The existing wording should be retained.

PPS5 also has a policy on the setting of a designated heritage asset. While some aspects of this have been retained in the NPPF the specific recognition that adverse impact on the setting of a heritage asset should weigh against a proposal is not clearly set out and should also be retained.

Appendix

Finally PPS5 contains a detailed policy setting out the factors that should be taken into account in assessing proposals for enabling development intended to secure the future conservation of a heritage asset. The NPPF in para 190 reduces enabling development to a single sentence assessing whether the benefits outweigh the disbenefits where a departure from policy is involved. The more detailed guidance in PPS5 is important and should not be lost.

Supplement

Additional National Planning Policy Framework Consultation on incorporating Planning for Traveller Sites

The Government is proposing to incorporate 'Planning for Traveller Sites' into the National Planning Policy Framework. As part of the consultation on the NPPF, it is asking for responses to the following question:

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?

Sevenoaks District Council supports the principle of including policies on Gypsies, Traveller and Travelling Showpeople in the National Planning Policy Framework. To do otherwise would undermine the aim of setting out all national planning policy in one document. However, the Council does not support incorporating Planning for Traveller Sites, as currently drafted, into the NPPF. SDC's objections to Planning for Traveller Sites are set out in its representations of 6th July 2011.

The Council considers that a key objective of national policy should be to share responsibilities for provision more equitably amongst local authorities and communities. The policies currently set out in 'Planning for Traveller Sites' would result in gypsies and travellers increasingly being concentrated into those districts with high levels of existing provision. The Council has expressed its concerns that the suggestion that local planning authorities voluntarily co-operate to address needs where there are significant constraints is unrealistic and flawed.

In addition to this, Sevenoaks District Council does not support the proposal that local authorities should be required to identify and maintain a 5 year supply of deliverable gypsy and traveller pitches to meet identified need. The Council argues that to expect gypsy and traveller families to identify sites that could meet their needs over this period is unrealistic and that rigorous application of this policy is likely to lead to unsound LDF documents.

The need for a 5 year supply of deliverable sites is based on a general approach that seeks to align Gypsy and Traveller policy much more closely

Appendix

with general housing policy (Planning for Traveller Sites, para 3.4). Whilst this is an appropriate aim in some respects, including for policies on Green Belt protection, it is not an approach that should be applied to all policy issues. Currently there are policies in 'Planning for Traveller Sites' that are, quite correctly, not consistent with the policies in the housing chapter of the NPPF.

Whilst the NPPF states that planning permission for housing should be granted where a local authority can not currently demonstrate a 5 year supply of housing (para 110), 'Planning for Traveller Sites' states that where a 5 year supply can not be identified, *temporary permissions* should be *favourably considered* (para 26). Notwithstanding the Council's concerns about planning for a 5 year supply of Gypsy and Traveller Sites, the proposal that temporary permissions for pitches should be favourably considered is a more appropriate approach than would be the case if the policy was to be made consistent with NPPF para 110. The use of temporary permissions, where acceptable, will ensure that local authorities retain the ability to determine acceptable locations for gypsy and traveller pitches over the longer-term through LDFs.

In addition, Sevenoaks District Council would not support an amendment to 'Planning for Traveller Sites' that would require local authorities to identify sufficient sites to meet needs plus at least 20%. Whilst this move would ensure consistency with the housing policies of the NPPF, it would not be supported on the basis that identifying a 5 year supply already appears to be an unrealistic requirement in 'Planning for Traveller Sites'.

