

## **Consultation on Draft National Planning Policy Framework**

### **A response by the English National Park Authorities Association**

**October 2011**

1. The English National Park Authorities Association (ENPAA) exists to support the policy making process by co-ordinating input on behalf of the nine English National Park Authorities and the Broads Authority. It is governed by the Chairs of the ten Authorities, and our response represents the collective view of the Authorities. It has been prepared by officers, working within the policies established by the National Park Authorities (NPAs) and follows consultation within the National Parks Heads of Planning Group. Individual NPAs may submit separate comments, which will draw on the specific issues for their particular area.

2. Our response is divided into two parts. Part 1 focuses on priority issues for ENPAA that relate specifically to National Parks and where we believe changes are required to the draft. Part 2 of our response highlights other wider issues that we would wish to bring to the attention of Government for addressing.

#### **National Planning Policy Framework ENPAA Response – Part 1**

3. ENPAA welcomes the Government's intention to make national planning policy simpler, clearer and more accessible through consolidating existing planning guidance into a single document. ENPAA believe the National Planning Policy Framework (NPPF) provides an excellent opportunity to clarify planning policies in relation to National Parks. Our response therefore aims to ensure the NPPF will enable the delivery of sustainable development within National Parks which supports the statutory purposes and duty through planning policies and development management decisions.

#### **National Park Purposes**

4. The NPPF should recognise that National Park Authorities (NPAs) undertake planning within protected landscapes to further statutory National Park purposes. Importantly, the Government's guidance '*English National Parks and the Broads: UK Government Vision and Circular 2010*' advises on the Government's priority outcomes for these nationally designated areas, and how the outcomes can best be delivered. We suggest that reference is made to the Circular in paragraph 167 bullet 4 of the NPPF, recognising the need for NPAs to have the flexibility, at local level, to achieve delivery of the Government's priority outcomes for these protected areas.

5. Paragraph 167 bullet 4 should also reflect accurately National Park purposes by referring to the conservation and enhancement of landscape in addition to wildlife and cultural heritage.

#### **Sustainable Development**

6. NPAs seek to be exemplars in the delivery of sustainable development within protected landscapes which are characterised by sparse rural areas offering unique challenges and opportunities. As a result, it is important that the NPPF enables NPAs to define sustainable development for their areas in accordance with statutory National Park purposes and duty.

The 2010 circular sets out a vision for sustainable development in National Parks and the statutory National Park Management Plan, required under Section 66 of the *1995 Environment Act* and section 3 of the *1988 Norfolk and Suffolk Broads Act*, provides the mechanism for establishing an appropriate definition for each National Park. In this way the definition of and approach to sustainable development will be regularly reviewed in a local context in each Park.

7. The NPPF should make clear that development likely to have a significant adverse effect on the statutory purposes of National Parks would not be sustainable under the presumption in favour of development.

8. The glossary should contain a definition of National Park Management Plans.

### **Established planning principles**

9. ENPAA believes the NPPF should support long established planning principles in National Parks as articulated in extant planning guidance.

10. Specifically, ENPAA asks Government to continue to explicitly maintain long established principles relating to development in nationally designated areas. It is considered that the draft NPPF wording weakens these principles, so we request that text from *Planning Policy Statement 7: Sustainable Development in Rural Areas* (Paragraph 21) is carried forward in the NPPF, as outlined in the suggested changes to paragraph 167, bullet point 4.

11. We are also suggesting the insertion of text to paragraph 167 to ensure consistency with the Government's Overarching *National Policy Statement for Energy* (Paragraph 5.9.12) in relation to the setting of nationally designated areas, and to reflect *Planning Policy Statement 7* (Paragraph 22) in relation to major developments.

### **Needs-based housing**

12. ENPAA would like to see consistency, in the NPPF, in relation to 'need-based' and 'demand-based' policies for housing, employment or other uses rather than, at present, where the terms are used interchangeably.

13. In National Parks, the emphasis should be on meeting identified affordable and local housing need in line with the 2010 National Parks Circular which in paragraph 78 states. 'the Parks are not suitable locations for unrestricted housing'.

14. Within National Parks there is immense pressure on the existing housing stock due to second and holiday homes, and in-migration, particularly by wealthy retired people, thus distorting the local housing market. Reliance on the tourism industry and agriculture leads to a low wage economy in national parks and in some areas the ratio between earnings and house prices is 13:1 compared with the Government's recommended ratio of 3:1. This results in out-migration of young people and newly formed households which, in turn, can negatively affect the vibrancy of local communities.

15. The Government's requirement for local authorities to maintain a minimum five year supply of deliverable housing land is unrealistic in National Parks because of the very high level of housing need and the overriding importance of protecting the special qualities.

16. The principle of exceptions sites has been the main mechanism for delivery of affordable housing in National Parks for several decades. The land values of such sites are often reduced, enabling registered housing providers to deliver affordable housing.

### **Economic prosperity**

17. The Government's White Paper '*The Natural Choice: securing the value of nature*' (Paragraph 4.35) refers to the benefits of National Parks in providing recreational opportunities, and the importance of visitors to the local economy.

18. Specifically, ENPAA would welcome a general statement in the NPPF that recognises the value of high quality environments, particularly nationally designated areas, in underpinning economic prosperity, and we have made a specific suggestion on where this could be most appropriately incorporated. This would reinforce the linkage between the environment and economy implied through the emphasis on sustainable development throughout the document.

### **Specific amendments requested**

19. We recommend the following amendments to the NPPF which, in our view, would significantly enhance the value of the new guidance:

#### **Replace bullet 4 of paragraph 167 and replace with the following:**

Nationally designated areas comprising National Parks, the Broads and AONBs have the highest status of protection for their landscape and scenic beauty. The conservation and enhancement of landscape, wildlife and cultural heritage are important considerations in these areas and should be given great weight.

Planning policies and development management decisions should have regard to policy guidance within 'English National Parks and The Broads: UK Government Vision and Circular 2010'. National Park Authorities should define sustainable development to reflect statutory National Park purposes and priorities as set out in individual National Park Management Plans. This will guide how the presumption in favour of sustainable development is applied in National Parks.

Policies should support sustainable growth of rural businesses and economic diversification, and aim to increase the supply of housing to contribute to meeting identified affordable and local needs rather than allowing unrestricted housing. A needs-led approach maximises community benefit in areas of limited capacity for new development, and this negates the need for National Park Authorities to demonstrate a five year housing supply. Housing supply will be facilitated through support for the principle of rural exception sites.

Planning permission should be refused for major developments, including major minerals development in designated areas, except in exceptional circumstances where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

*Continued....*

- The need for the development, including in terms of national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Having regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation.

**Insert within paragraph 81 a new sentence after the first sentence stating:**

- The value of high quality environments, particularly those offered by nationally designated areas, underpin economic prosperity and opportunity in these rural areas.

## **National Planning Policy Framework ENPAA Response – Part 2**

### **Process**

20. ENPAA strongly supports the retention of the requirement for a plan-led system. However it is considered that there is further clarification required regarding conformity as it appears that there is scope for confusion within the draft NPPF:

- Paragraph 50 states that neighbourhood plans must be in general conformity with the strategic policies of the local plan, yet paragraph 51 states that where there is a neighbourhood plan the policies it contains take precedence over existing policies in the local plan for that neighbourhood. This could have clear issues within National Parks as many of the strategic policies relate to protecting and enhancing the special qualities of the area, as well as providing opportunities for the understanding and enjoyment of these special qualities, in the national interest. This may be clarified by placing a requirement on the local planning authority to identify in their local plan those policies which are strategic, and by exclusion, those which the neighbourhood plan, may, if it sees fit, override;
- Clarification is also required on whether a local plan will supersede a neighbourhood plan where it is more recently adopted;
- Will the test of general conformity, as defined within the glossary, apply equally to neighbourhood plans, community right to build orders, and local plans?
- Where there is robust evidence to justify a departure from either the NPPF or the strategic policies within the local plan can there be a departure?

### **Policy/ Procedure Gaps**

21. As previously stated, ENPAA welcome the simplification of the national planning policy. However, PPSs, PPGs and other documents, such as good practice guides, include a lot of useful policy that is used frequently in development management decisions. There is concern that if they are not provided in some form there will be a policy/ procedure gap resulting in many generic policies having to be included in Local Plans. An example could in terms of dealing with enforcement matters where there is currently a PPS covering a lot of detail on enforcement matters, yet the Development Management Section within the draft NPPF (paragraphs 53 – 70) makes no reference to enforcement.

### **Core Planning Principles**

22. ENPAA considers the Core Planning Principles should refer specifically to the role of spatial planning in enabling sustainable development. This could be achieved by amending the 8<sup>th</sup> bullet point in paragraph 19 to state: *'The aim of spatial planning should be to focus*

*development in the most sustainable locations and reduce the need to travel. Planning policies should take account of the size and population of a settlement, and the capacity to accommodate further development’.*

### **Plan Making**

23. ENPAA supports the flexibility included within the draft NPPF regarding the revision and partial revision of local plans. However, it is considered that the draft NPPF, as written, may result in confusion regarding the role of Supplementary Planning Documents. Paragraph 21 states that SPDs should only be necessary where their production can help bring forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens of development. Within National Parks SPDs are currently used for a number of purposes. For example in the Lake District, a SPD was prepared for the University of Cumbria’s campus in Ambleside, which has accelerated the development of the site, and Northumberland National Park Authority has recently adopted a Landscape SPD which provides guidance to minimise the potential impact of development on the landscape of the National Park. It is important to have the ability, particularly within National Parks, to prepare SPDs as a way of providing more clarity to developers, whilst delivering the statutory purposes and duty. It is therefore suggested that the wider remit of SPDs is added to the NPPF.

### **Natural Environment**

24. In addition to the priority changes recommended by ENPAA for paragraph 167 and included in part 1 of our response, we believe the natural environment section of the draft NPPF could be improved in a number of other ways by:

- amending paragraph 165 so that the aim of plans ‘should be to avoid and then minimise adverse effects...’;
- amending the title for landscape to read ‘Protecting and Enhancing Valued Landscape’ in recognition that landscapes can be improved through the development management process;
- retaining the requirement in PPS7 on local planning authorities to take into consideration the character of the landscape; and
- including reference to National Character Areas within the glossary.

### **Sustainable Travel**

25. ENPAA welcomes the reference given within the draft NPPF to the role of sustainable transport in facilitating economic growth. However, it is considered that greater recognition of the role which transport plays in sustainable development should be included. For example, the final sentence of paragraph 83 be amended to: ‘... *where reasonable to do so, reduces the need to travel and facilitates the use of sustainable modes of transport*’ and paragraph 85 could say: ‘*There is a strong connection between transport and land use planning. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of sustainable transport infrastructure necessary to support economic growth*’.

26. Whilst ENPAA agrees that cost is a factor in reducing the impact of new transport networks, it is considered that this does not fully reflect the need for schemes to be sustainable. It is suggested that paragraph 86, bullets one and three be replaced with the following: ‘*Any impact caused by transport network improvements should be assessed on economic, social and environmental grounds. Where development is permitted, mitigation may be required to minimise against loss, for example of biodiversity interests.*’

ENPAA

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