

DRAFT NATIONAL PLANNING POLICY FRAMEWORK

COMMENTS BY THE LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

The draft NPPF should:

1. Provide a vision for how the planning system will deliver/achieve sustainable development – a picture of the direction of travel which should:

- **present a clear, coherent spatial vision of how England’s cities and towns, villages and countryside should develop over the next 20 years to secure a more sustainable pattern of development:**

[England is a highly-urbanised country with beautiful countryside. The NPPF needs to capture both. At the moment there is no indication of how our cities, towns, villages and countryside might develop over the next 20 years to secure a more sustainable pattern of development.]

At present the draft does not mention cities, towns and, in particular, London.

ACTION: set out clearly the principles for the development of urban areas and the preferred locations for high trip-generating uses.

NB: This vision, although spatial in approach, would not constitute a spatial strategy that would require a strategic environmental assessment or even a sustainability appraisal.

- **set out the Government’s objectives and strong, clear priorities for the future pattern and location of growth to achieve this vision, including:**
 - more sustainable patterns of development – getting the right development in the right place, at the right time and with the necessary infrastructure, whether housing or business; and
 - preferred locations for major, high trip-generating uses, such as shopping, leisure and offices, etc, should be town centres and, for offices, also sites close to major public transport interchanges

Both these actions would increase the opportunities for using sustainable means of transport rather than increase dependence on car travel. If the Government wants housing and commercial development “in the right places”, the NPPF should indicate what this means.

ACTION: set out clearly the principles and priorities for ensuring more sustainable patterns of development and location of growth at the front of the document

- **set priorities for choosing sites for new development by ensuring that appropriately-located, previously-developed land is developed in preference to greenfield sites in order to promote urban regeneration and the best and most efficient use of land – recognising that:**

- not all previously-developed land will be appropriate and that well-located greenfield sites may sometimes be the most sustainable option; and
- development in the wrong place may create extra costs and social implications that need to be reflected in the assessment of development proposals.

This preference should not be a simple “brownfield first’ policy, but one which recognises that the default may be brownfield first, but that there should be exceptions – excluding brownfield sites that are poorly located or have high biodiversity and including well-located greenfield sites, whilst protecting all open spaces through a sequential approach to meeting the needs for all types of open space before disposal for development.

ACTION: set out priorities for choosing sites/areas for development set out in the local plan based on access to and capacity of physical and social infrastructure, services and public transport, as well as constraints such as contamination, flood risk and biodiversity.

Set out clearly that any proposals that come forward outside the plan should be assessed against the same criteria as projects brought forward through the local plan.

- **stress the importance of planning for the development we want, to get the right amount of development in the right place at the right time**, by stressing the need:
 - to plan for sustainable growth and not to encourage growth regardless of type, scale or location: and
 - to adopt a proactive, positive style of planning and away from a reactive, negative and regulatory activity which is the antithesis of planning

ACTION: set out clearly that a plan-led system means planning for development - how much, the most suitable locations and allocated sites – it is not just about compliance with the policies of the plan in line with S38(6).

- **recognise the key role of city, town and district centres in their sub-regional and local economies and ensure that the policy for focusing economic development – retail, leisure, offices, culture, tourism and public administration - in town centres is effective in delivering a “town centres first” commitment by the Government**

The draft policy for town centres is well-meaning, but fails to recognise the economic importance of town centres and, because of its approach to assessing out-of-centre applications, is likely to be ineffective in securing its “town centres first” objective.

It takes far too narrow an approach to the uses that make up the dynamism of town and city centres – it is much more than retail and leisure.

The Government needs to recognise that town centres need investment, that this will only come if developers have confidence in their future as such development needs to take a long-term view.

- the draft policy does not sufficiently promote town centres as the preferred locations to focus town centre activities
- the sequential test, as described in para 78 will be ineffective. The onus must be on the applicant to provide a report on what sites they considered and why more central sites were rejected;
- the requirement to plan for full provision (for the plan period?) now is inappropriate if it were interpreted as a developer seeking to provide all the growth for the next 15 years now – it should, like sites for housing, be in five-year phases. However, even this may be inappropriate as the availability of town centre sites over the next 15 years would be impossible to foresee. The assessment of the future additional floorspace requirements should be undertaken, but the provision of sites should be limited to the first 5 years, unless additional sites in the town centre can be identified.
- the requirements for impact assessment are sketchy, but the proposal to seek to assess impacts over a 10 year period are heroic and misguided. The ability to assess the likely impact is limited – any assumptions are likely to be “wrong” but projected over ten years could be wrong by an order of magnitude so as to make the assessment meaningless and useless. Looking five years ahead is a sufficient challenge.

ACTION: the NPPF should state clearly the economic rationale for promoting the development of town centre uses (retail, leisure, offices, culture, tourism, public administration, etc) in town centres to benefit from the economies of agglomeration, the attraction of a critical mass of such uses, the synergy between uses, the availability of supporting infrastructure and the high level of public transport accessibility.

2. Provide a clearer, stronger endorsement of the plan-led system:

- **define sustainable development** in terms of the implications in economic, social and environmental impacts, and environmental limits, and looking at the long-term – without such a strong bias to short-term, primarily economic considerations
- **press for up-to-date, evidence-based local plans and ensure effective transitional arrangements to allow time for local plans to be improved**
- **endorse a presumption in favour of development that is in accord with an up-to-date development plan and support for refusal of applications that are not in accord with the plan, unless the benefits are sufficient to override this.**

This is not clear in para 14 and the final sentence of the 2nd bullet of para 19 further confuses the issue, as does the frequent repetition of the suggestion that refusal is only possible if the harm “significantly and demonstrably” outweighs the benefits. It is unclear whether this only applies to situations where the plan is absent, silent,

indeterminate or where relevant policies are out of date. As written it could be read to mean that even for applications that are not in accord with plan the “presumption in favour of the sustainable development” the tests above would be applied. This would not only be inappropriate, but would totally negate localism and undermine credibility in the planning system.

ACTION: revise paragraph 14 to state clearly and unambiguously that there is a presumption in favour of development that is in accord with an up-to-date development plan, and, unless there are strong reasons for overriding conflict with the plan, applications not in accord with the plan should be refused,

The credibility of the planning system will rest on this. If the cards were to be stacked against refusal of proposals that are not in accord with the plan, not only would this undermine localism, but the whole ability to deliver the plan and for people to have confidence in the system would be threatened.

Whilst these may appear to be general comments not specifically related to London, they represent the policy support for the London Plan and thus for London Borough Core Strategies. Some of these issues are critical to the direction of travel for the pattern of urban development in England generally, but become critical in major urban areas, such as London.

In London half of the land available for development is within 500m of a high street and high streets are major centres for local employment. The NPPF needs to promote an holistic approach to the development of town centres.

3. Recognise the special needs of London and provide a London dimension to the document and, in particular, should:

- **endorse the Mayor’s Spatial Development Strategy** which takes an evidence-based approach to planning for growth for housing, jobs, town centres, as well as social, green and transport infrastructure.
- **provide a clear London dimension which recognises the special nature of London, especially for:**
 - **housing**
 - **the difficulty of applying a needs-based approach to define allocations**
 - **the difficulty of providing more than a 5-year supply from allocated sites in many Boroughs – London should be relieved of this requirement (para 109) as it would adversely affect the release of industrial land and put pressure on open spaces.**
 - **the types of housing needed**
 - **the need for affordable housing policies which specify a threshold for triggering an affordable housing contribution (eg 10 units or expressed in square metres), in appropriate locations to meet specific needs**

- the demands for specific groups that are poorly catered for – the elderly, disabled, students, etc
 - the need to specify density ranges to secure appropriate built densities and ensure space standards that will ensure viable, sustainable communities and decent living standards for occupiers
- open space uses: the need for strong policies for resisting the loss of any open spaces, from Metropolitan Open Land to small, local parks, from playing fields to allotments
 - freight and distribution: the need to plan positively for freight distribution, consolidation and break-bulk centres – this is essentially transport/business infrastructure suitable for an infrastructure chapter

ACTION: Consider how policies for the growth of towns and cities, but especially London, should be reflected in the revision of the NPPF. There are also a number of issues that will need expansion, such as the five-year supply, affordable housing, density, open space and freight and distribution where the lack of policy guidance is particularly noticeable when attempting to apply the draft NPPF to urban areas generally, let alone London.

4. Explain how NPPF relates to Localism

- local planning authorities, developers and, particularly, local communities need to understand how the NPPF will relate to Localism

There is a need to explain:

- how local plans only have to be in general conformity with the NPPF, allowing local authorities to adopt locally-relevant strategies and policies based on clear evidence of local circumstances that will support policies that seek specific types of development in preferred locations
- that local targets, thresholds (eg for affordable housing) or standards (eg density or car parking) can be set to meet local needs/circumstances.

ACTION: Need to explain how localism informs local and neighbourhood plans, by spelling out policies and proposals that are based on and tailored to local circumstances.

Make clear that local plans need to be in general conformity with the NPPF, which means that they can be different if there is clear evidence to support a different local policy

5. Need for Supplementary Planning Guidance, etc

The NPPF will need to recognise the importance of supplementary planning guidance in the form of master plans, development briefs and thematic guidance which all help create certainty for both developers and communities.

The draft NPPF attempts to inhibit LPA preparation of DPDs, SPDs and AAPs in its paragraph 21, with the words “Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development.”

That policy is misconceived and is contrary to achieving a plan-led system which gives guidance, certainty and understanding to both developers and communities. Supplementary Planning Documents, such as supplementary planning documents on specific subjects, planning or development briefs There should be development plans, and even NDOs, for all areas defined in the proposals map in a local plan, so that the Government’s aims for localism and predictable and prompt planning decisions can be achieved.

6. Transport

The “Transport” section, unlike other subject chapters, except town centres and housing, which have been faithfully précised, displays a total misunderstanding of PPG13. PPG13 is the lead policy guidance on the pattern and location of development – indeed these are the main messages rather than transport itself. If PPG2 Green Belt is worth more than three pages, why does PPG13 rate just two pages?

The “Transport” section fails to grasp this issue – even a restatement of the key principles of PPG13 in para 20 of that document would have been the minimum to help shape the pattern of urban development and location of high trip-generating uses.

The current section has a few useful principles, such as reducing the need to travel (para 88), but these are lost in a ragbag of issues. The net result is that the key principles for the location of development are marginalised in a section that few planners, or anybody else, would read.

ACTION: The approach to locational issues – the pattern, location and accessibility - should be reassessed:

- **the key principles on PPG13, especially para 20, should be retained in the NPPF, as guiding principles central to the vision and an integral part of the core principles.**

- **ideally these issues of pattern, location and accessibility should be “mainstreamed”/integrated into the main sections – business and economic development, housing and sustainable communities, to provide clear guidance on how growth should be used:**
 - **to create more sustainable patterns of development,**
 - **to locate high trip-generating uses in town centres or close to major public transport interchanges**
 - **to maintain or create walkable neighbourhoods**
- **If, however, this section were to be retained, it should be about the pattern of development, location of high trip-making uses and accessibility – with specific guidance on where to develop should be in key development chapters – business and economic development, housing and sustainable communities**

NB: The London Forum supports the proposals of the grouping co-ordinated by the Chartered Institute of Highways and Transport (CIHT) which proposes “mainstreaming” these issues in the key development chapters.

7. Offices

Both PPG13: Transport and PPS4: Planning for Economic Development provide clear advice on the location of offices as high trip-generating uses. PPG13 says that local authorities should:

focus land uses which are major generators of travel demand in city, town and district centres and near to major public transport interchanges. City, town and district centres should generally be preferred over out of centre transport interchanges.” (para 20 (1))

allocate or reallocate sites which are (or will be) highly accessible by public transport for travel intensive uses (including offices, retail, commercial leisure, hospitals and conference facilities), ensuring efficient use of land, but seek, where possible, a mix of uses, including a residential element; and

allocate or reallocate sites unlikely to be well served by public transport for uses which are not travel intensive. (para 21)

NB: This does not mean all offices, such as small offices, should be in these locations, but that large, high trip-generating uses such as larger offices should.

PPS4 recognises:

offices as a main town centre use to which the town centre policies, including the sequential approach, should apply. (para 7(3)); and

that locations outside the town centre but within 500 metres of a public transport interchange, including railway and bus stations, within the urban area should be

considered as edge-of-centre locations for the purposes of the sequential approach (footnote 16, page 26)

The Impact Assessment for the NPPF, which provides the evidence for policy change, says:

“Government considers that this requirement places undue burdens on office development and that the policy objective of ensuring development takes place in sustainable and accessible locations can be achieved through other policy mechanisms.”

The evidence presented for this view is deeply unconvincing.

The main evidence of this “burden” that is quoted is high rents in London’s West End. This evidence is highly selective, unrepresentative and fails to understand that for some businesses the West End is location of choice, **not** one that is required by policy. Within the Central Activities Zone of the London Plan there are ample opportunities for development, as well as at Canary Wharf/Isle of Dogs. If rents are high in the West End it is because the demand for offices in that location are much greater than supply. The London office market is highly segmented and even producing a glut in other parts of Central London, as the market frequently does, does not change this. More offices in Canary Wharf or Croydon are not a direct substitute for offices in the West End. The rationale for the relaxation of policy based on the example of West End rents is inappropriate, driven more by economic theory than market reality.

Chart B2.2 shows the trends in office floorspace location (1971-2006). The classification of policy-compliant locations is incorrect, because it fails to identify areas within 500m of major transport interchanges as compliant locations. In London, before Canary Wharf, for a long time more than 75% of all London’s new office floorspace was built within 500m of one of the London mainline railway termini – not for policy reasons but out of market choice. What the graph does illustrate, however, is that PPG13 policy did not have any effect until after the 2001 version, but for some reason from 2004-2006 the location of completed new floorspace in town centres (+ 300m buffer) fell back to 30%. This is hardly evidence that PPG13 was proving a “burden” to office developers, rather the contrary.

The new policy objective (page 36) to free office development from the need to follow the requirements of the “town centre first” policy and for proposals to be judged on their individual merits, including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of/for office space in different locations.

NPPF: Para 88 of the draft NPPF says:

“Planning policies and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.”

This statement, “lost” in the “transport” section is too oblique and vaguely qualified to even be recognised or used by many planners let alone developers. It needs to be part of the

vision and core principles (see comments above on the transport section) and be applied specifically to offices.

The solution to the current vague policy situation is to use offices as a specific example of a high trip-generating use and town centres and areas close to major public transport interchanges as examples of appropriate locations.

ACTION: The vision and core principles should endorse the location of high trip-generating uses, such as major office developments, in places that are or will be well served by public transport, such as town centres or close to/within 500m of major public transport interchanges, as the preferred location for such uses.

8. Need for a stronger, clearer structure to the document

The document would benefit from:

- **restructuring:**

- the current themes just do not project a vision beyond the contents page
- the broad themes just do not hang together – the document lacks coherence

ACTION the document needs a vision at the front to enable readers to visualise the structure, content and key messages, with a clear narrative running through the document, such as planning for sustainable development

The content is delivered in policy silos with no obvious connections and none attempted other than an exhortation “to take account of policies set out elsewhere in this Framework”

ACTION create an alternative set of groupings, such as:

- development and creating places – business, housing, sustainable communities, design, historic environment
- policy constraints – minerals, green belt, climate change, natural environment

- **Repetition v clarity**

The document is very repetitive about certain issues, such as sustainable development, yet economises on opportunities to pull things together by referring to the need to “take account of policies elsewhere in the Framework.” The document would be much clearer and be seen as a whole with less repetition, but bringing together key criteria or at the very least providing cross references. For example, all proposals to develop housing sites not allocated in a plan should satisfy the same criteria as those that were allocated. That should be said explicitly and it should be recognised that the criteria scattered around this document cannot be readily found without a cross reference.

ACTION: cut repetition, add lists of criteria and cross reference

9. Reversal of the onus of proof

The draft NPPF has reversed the onus of proof by no longer asking the developer to demonstrate that he has sought policy compliance, but appears to demand that local planning authorities prove that the “harm” of non compliance with the plan “significantly and demonstrably outweighs the benefits”.

This is particularly the case when assessing out-of-centre retail and leisure proposals, despite the Government’s declared commitments to a “town centres first” policy.

This cannot be because this approach of putting the onus on the developer is unacceptable, because the requirement for developer to demonstrate policy compliance is explicitly required for projects involving Green Belt (paras 136, 145 and 146), flood risk (para 157), coastal developments (para 161), use of agricultural land (para 167) and the historic environment (para 184).

In contrast, local authorities are asked not to refuse development unless there would be material harm that does not exceed the benefits for energy efficiency measures

PROPOSALS BY SECTION:

1. Introduction

Add to this section by including:

- **a statement of the purpose of the planning system** to achieve sustainable development, as in the Ministerial Foreword – this needs to be the first statement on the face of the final document. It also needs to emphasise that it is about planning for the growth in housing, jobs, shops and infrastructure that we will need over the next 20 years.
- **a vision for the way England should develop over the next 20 years** – paint a picture of the direction of travel, setting out how our towns and cities, villages and countryside should develop in a more sustainable pattern over the long-term future, setting out how we can achieve more sustainable patterns of development.
- **bringing forward and improving the core principles from para 19 as providing the guiding principles for the document to provide key threads to hold the narrative of the document together.**

2. Delivering Sustainable Development

- **define sustainable development** + three strands. Sustainable development needs to be defined legally robust terms.
- **explain Government's commitment to plan-led system – one that plans for the development – housing, shops, offices, industry, leisure, hospitals, schools and infrastructure – that we need.**
- **presumption:** make clear that the first presumption is that applications will be decided in accord with the development plan, to allow those that are in accord and, generally, to refuse applications not in accord with the plan, unless there are strong reasons to override the plan. (ie as required by S38(6)). Paragraph 14 projects too many messages, some unintended.

3. Plan making

- **a strong, clear statement is needed to emphasise that a “plan-led” system is about planning for the development that we need.**
- **in London, “in the absence of an up-to-date and consistent plan” (paragraph 26), planning applications should be determined in accord with the policies and decision-making criteria of the London Plan, not just the NPPF. It needs to be recognised that the**

London Plan provides the strategic part of London Borough development plans

4. Development management

- **need to determine applications in accord with the local plan – not just the starting point (para 62) – this is loose language that would provide a field day for lawyers**
- **need to cover the use of the Community Infrastructure Levy**

5. Planning for prosperity

Business and economic development:

- **need to plan for economically-successful places – city and town centres – recognising the economic rationale for locating economic activities in town centres – agglomeration economies, critical mass, synergies, competition and the range of services that come from economies of scale**
- **town centres first policy must be a genuine commitment – the onus should be on developers to demonstrate why proposed development is not in the town centre, not for local authorities to merely “prefer” these locations.**

Transport

- **the key principles on PPG13, especially para 20, should be retained in the NPPF, though their role as guiding principles needs to be recognised and be part of the core principles. This section totally fails to embrace these principles**
- **if it were to be retained, this section should be about the pattern of development, location of high trip-making uses and accessibility – specific guidance on where to develop should be in key development chapters – business and economic development, housing and sustainable communities**
- **ideally these issues of pattern, location and accessibility should be “mainstreamed”/integrated into the main sections, rather than marginalised in this “silo” chapter.**

Action: These issues should be integrated into the relevant chapters to provide clear guidance on how growth should be used:

- **to create more sustainable patterns of development,**
- **to locate high trip-generating uses in town centres or close to major public transport interchanges**
- **to maintain or create walkable neighbourhoods**

NB: these should be central to the vision and an integral part of the core principles

Communications infrastructure

- **needs to be planned to minimise visual impact and obstructing and cluttering the public realm**

Minerals

Although this section may be a faithful précis of the main policy issues in this field it falls between two stools: it is free-standing and adds almost nothing to the main purpose of the documents – to shape the pattern of development in England – whilst as a useful policy set for the industry, specialist planners and for the Planning Inspectorate it falls far short of their needs. They value the detailed minerals policy guidance notes – this short version limited to policy and the cancellation of the existing policy guidance notes represents a backward step. The Minerals Planning Policy Guidance Notes were always outside the mainstream of PPGs/PPSs – there would be no harm in leaving them there.

ACTION: delete this section and retain the existing guidance OR
create a group of sections on policy constraints – minerals, green belts, climate change, natural environment, etc

Planning for people

Housing

- **need guidance on where housing should be built, reuse of previously-developed land and making best use of land**
- **need stronger emphasis on need for affordable housing in both urban and rural areas, with a clear threshold for providing affordable housing**
- **need policy to support objective (para 107) of widening opportunities for home ownership**

Design

- **need policy for improving the public realm and decluttering**
- **need policy on townscape and impact of tall buildings**

Sustainable communities

- need clearer distinction between local facilities within easy walking distance (eg primary school and GP surgery) and those further away (eg secondary school and hospital) that need to be reached by public transport – this is particularly an issue for London, but also for other urban areas where there are different communities, and even for towns, where the policies in this section need to provide planning policy support for local community facilities
- reinstate strong sequential test for disposal of open spaces, prioritising other open space uses where need not met before disposal for development, as well as replacing losses with equivalent open spaces

Green Belt

- include protection for Metropolitan Open Land, which currently gets protection in PPG2, which then feeds through to the London Plan and, in turn, London Borough core strategies

Planning for places

Climate change, flooding and coastal change

- climate change-related issues should be part of the overall vision – more central to purpose of planning to secure sustainable development

Natural environment

- need to recognise value of rivers, such as the Thames

Historic environment

- more emphasis should be placed on the value of conservation areas and their significance in managing the urban environment . They should be defined in the Glossary

Specific Issues by Section:

Foreword

The foreword contains objectives that are not well covered by NPPF policies for the natural environment; habitat restoration; Green Belt land improved and historic environment better cherished.

Greg Clark states that “people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities”

It is not appropriate for good planning for sustainable development to simplify everything so that any person will understand it, any more than it would be sensible to do that with the UK Laws. Those who need to use the current planning system understand it well and that includes Council planners and decision makers, developers, businesses, residents associations and service providers.

The draft NPPF policies and their interaction remain complex and often opaque, because it does not paint a clear picture of where we want to get to that everybody can visualise and buy into. Popular or loose language makes it neither more accessible nor implementable, by leaving it open to interpretation or misinterpretation.

There are slight differences between the foreword and the policies, but there will be no foreword to the final NPPF. Nevertheless, the first line is worth recycling!

Introduction

- Para 1 This fails to set out the purpose of planning, the way it should be used, the vision and goals for its application and the role of the NPPF. The aim and scope of town and country planning should be covered and the legal responsibilities of decision makers should be summarised. There should be text as in PPS1 first paragraph. It needs to be made clear that there are reasons why some proposed development should not happen.
- Para. 2 “Planning has a key role in securing a sustainable future.” should be changed to ‘the planning system exists to deliver sustainable development’
- Para. 3 Planning applications should not “be considered on their merits, within this national and local policy framework”. That fails to recognise the plan-led system and that decisions must be made in accord with the development plan, which in London is both the Mayor’s ‘London Plan’ and the borough’s Core Strategy. The NPPF is a framework for local plan preparation, not a basis for development management. ‘Merits’ is not a relevant word – it is loose language.

- Para. 4 It is not acceptable that the NPPF policies have to be “taken together” to find out what ‘sustainable development’ means. That will cause many legal challenges. There must be a full definition of what is meant by sustainable development, including environmental limits.
- Para. 7 This explains that the NPPF is not the full policy framework because the National Waste Management Plan for England has to be taken into account also. In that case the NPPF should have a policy to protect land which may be needed for waste purposes.
- Para. 8 This duplicates parts of paras. 3, 4 and 5.

Delivering Sustainable Development

- Para. 9 The description of what is sustainable development is inadequate and in relating to only people’s basic needs it fails to accord with current definitions. The scope of the Sustainable Development Strategy has been reduced unacceptably in the draft NPPF. There must be a single definition and it must be a good basis of deciding if proposed developments are unsustainable.
- Para. 10 This implies that economic and housing development are sustainable. The words ‘sustainable development’ are used too frequently throughout the draft NPPF. If this paragraph intends to state that there are three purposes of planning, it should simply say so.
- Para. 11 Development is to be “planned and undertaken responsibly”. That is meaningless.
- Para. 12 This repeats para. 4 - see above - and should be deleted.
- Para. 13 ‘The presumption in favour of sustainable development’ is repeated too often throughout the draft NPPF and it seems to promote economic growth as being “sustainable” without recognising the need to protect the environment and to develop within limits.
- Para. 14 This states that the presumption in favour of sustainable development is a “golden thread” for planning and decisions. It requires LPAs to “approve all individual proposals wherever possible.” and “grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.....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.”

These statements confuse what should be a clear statement that:

“At the heart of the planning system is the development plan, which should plan positively for new development. Local plans should be based on the objectively-assessed development needs for the life of the plan.

Provided the plan is up to date, there should be a presumption in favour of developments that are in accord with the plan, and that proposals not in accord with the plan can expect to be refused, unless the benefits are sufficient to override the policy objection to the proposal.

However, where the plan is absent, silent or indeterminate or where the relevant policies are out of date, permission should be given unless contrary to policies in this Framework.”

The last part of this paragraph is potentially very confusing. The preceding bullets omit reference to proposals that are not in accord with the plan, and might suggest that any refusal, not just where “the plan is absent, silent, indeterminate or where relevant policies are out of date”, should be allowed “unless the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits”. This would represent not only a reversal of the onus of proof but raise the barrier against refusal and make a nonsense of the policies in the plan. This may not have been what was intended, but this is how it could well be interpreted. This is why this paragraph needs to be clear and unambiguous about the legal primacy of the plan, which in effect introduces a presumption in favour of development that is in accord with the plan.

Material considerations will have to be taken into account and evidence considered. There should be clear policy for refusing proposed developments that would cause harm or result in development in the wrong place. Para. 19 states that “decisions should take into account local circumstances.”

Para. 15 This repeats the first part of para.14 – this should be omitted. **This paragraph makes no sense – plans should plan for growth in a sustainable pattern of development, in the right place - period!**

Para. 16 This implies that the only protected sites on which development would not be sustainable are those defined under Birds and Habitats Directives. That is clearly wrong as other restrictions or protections are mentioned in the draft NPPF. List other appropriate legal constraints or omit paragraph.

Para.17 This advocates that neighbourhoods “Critically....should” develop neighbourhood plans. They are not necessary everywhere and it must remain an option for each community to consider. However, there should be more policy promotion of community involvement in local planning (see para 26) to ensure that local plan content defines what development will be encouraged in each neighbourhood or identified area in the proposals map in the Core Strategy. Without that LDF content, the draft NPPF proposes that planning applications should be approved (para. 14).

Para. 19 This lists “core planning principles” are potentially the key to making some sense of a “vision” at the front of the document, with objectives for the planning system, spatial planning principles from PPS12 and presumptions, all based on PPS1 paragraph 13. They need to be reordered to provide structure to the overall strategy/direction of travel to get from here to where we want to be in 20 years time.

First bullet: There is a major gap between the vision in the plan and the policy framework for making decisions. The plan should indicate how much development should take place and where by identifying sites, which will provide the “practical framework” for making decisions. **Add “planning for the growth that will be needed over the life of the plan”**

Second bullet: The last sentence is out of place in this bullet, but perhaps not suited anywhere. This appears to be an open invitation to bring forward proposals not in accord with the plan. Any proposals not foreseen by the plan should be assessed against the same criteria as those included in the plan, otherwise it would encourage developers to withhold their proposals to avoid scrutiny. **Delete last sentence.**

Third bullet: split on two

Sixth bullet: should make “**the best and most** effective use of land”

Seventh bullet: introduce “**reuse of previously-developed land**”

Eighth bullet: this should go up to near the top of the list.

Plan making

Para. 20 This states that “Development plans must aim to achieve the objective of sustainable development.” However, the paragraph then contains other words that are used elsewhere in relation to unplanned development in a way that is neither consistent, nor helpful. Plans should plan **for** growth, but in a manner that

produces sustainable patterns of development (see also para 165)

Para. 21 This is unacceptably negative in its wording about DPDs and SPDs in local plans. It should encourage the preparation of policy and guidance which will help developers to propose applications that can be approved without delay.

Para. 22 This set out the purpose of local plans. This was set out in PPS12: to set out a vision, purpose, clear spatial choices and delivery strategy. Plans should be positive (see para. 24 first bullet point) and proactive. It should be made clear that local plans do not have to repeat content of plans 'above' them, such as the London Plan and the NPPF. Plans should include consideration of the sourcing and transport of materials for development and the disposal or re-use of demolition waste. However, in the absence of regional spatial strategies, except in London, most local plans will only have the NPPF. This would suggest that local planning authorities will need to draw on current (pre-NPPF) policy documents to elaborate their policies where the NPPF policy is absent, silent, indeterminate or difficult to interpret in relation to local circumstances.

Local plans should set out the strategic policies for each area within its boundary in collaboration with the communities and businesses affected.

Para. 23 Culture should be added into bullet point four as a local facility.

Flood control, green infrastructure and biodiversity should be added to bullet point five.

Para. 24 The requirements for what a Local Plan should achieve duplicate wording for similar requirements and objectives in other paragraphs. The texts should be combined. Local plans should cover a minimum 15-year period. There should be phasing of development, such as sites for housing, retail and offices, with the availability of transport facilities and social infrastructure.

The word "genuinely" should be removed from "identify land which it is genuinely important to protect from development". Environmental and public realm enhancement should be covered.

Para. 26 It is not necessary to repeat "In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with this Framework, including its presumption in favour of sustainable development." That is covered in paragraph 14 to which we have objected, as above, and in similar words elsewhere. Once is enough – after all people are meant to read the plan as a whole and will not miss such a memorable phrase!

Surely the certificate will be one of **general** conformity not detailed conformity – that needs to be clear.

Local planning authorities are only required to have regard to the NPPF(cf paras 7 and 52), as Baroness Hanham has confirmed, but there will be policies in a local plan, even if they are not fully up to date, and decisions must be taken in accord with the development plan. All references to 'consistency/ conformity' should be "general conformity".

Para. 27 This requires local plans to "take full account of relevant market and economic signals such as land prices". It is unreasonable to expect each LPA to do that - monitoring house and land prices is resource consuming and, even if they have the data may be difficult to interpret, not be a relevant to the decision or cause them to make planning decisions that are too short term. If such signals are to be applied, they should be consistent across England, independently researched, assessed and interpreted. In London, that would be done by the GLA and published by the Mayor.

Is it suggested that if there is the prospect of market oversupply that permissions should be refused?

Para. 28 There should be mention that in London there is a regional housing market assessment and land availability and suitability assessment compiled for and in consultation with all local authorities by the Mayor who sets housing targets for each borough.

There is a need to add **students** and **travellers** to the list.

Para. 30 This should include the requirements for skill development of local people and the required infrastructure, facilities and services for businesses and employees.

Para. 32 It should be stated that there are policies in the London Plan for aggregates. Information should not just be the "best" but that which is scientifically reliable.

Para. 39 The text implies that obligations are "burdens" which can prevent development and that there must be "acceptable returns to a willing land owner and willing developer". That is not a suitable explanation of the process of obtaining a return on the increased land value achieved by the community granting planning approval. The contributions towards improvements in infrastructure and facilities and the mitigation of adverse effects of approved development result in better quality of life and increased land values from which future benefit should be obtained. Most of these "requirements" are to make the development acceptable and should be clearly understood and factored into proposals from the start. **Rewrite last sentence**

Para. 43 Cross reference should be made to para. 23 for the range of physical, social, transport and green infrastructure needed. There should be joint infrastructure planning with organisations delivering parts of the facilities and clear Community Infrastructure Levy schedules to address shortfall in provision.

Para. 46 This and/or para 47 should require a strategic environmental assessment in a local plan of cross-border collaborations, policies and agreements.

A paragraph is needed to propose the basis on which monitoring and reporting will be conducted of progress and issues in delivering the proposed local developments, economic growth, housing and facilities.

Para. 48 The local plan also needs to be internally consistent, sound and prepared to meet responsibilities in the duty to cooperate. It should be able to be monitored and reported upon for its delivery to support alterations.

The words “consistent with national policy” should be replaced with: **“in general conformity with national planning policy, subject to local variations where local evidence supports this, and”**.

In London the local plans need to be in general conformity to the London Plan.

Neighbourhood Plans

Para 49 Neighbourhood plans should not be limited to land use matters. They should include policies for the achievement of the plan’s strategy which might include maintaining or securing community facilities, such as post offices and pubs, using a range of the local authority’s powers, not just planning powers.

Para. 50 Local plans should set out the strategic policies and proposals for each area within its boundary, as in our proposal for para. 22 above. That may make Neighbourhood Plans unnecessary unless specific neighbourhood policies are required to influence decision making by character analysis, propose additional development or achieve consistent application of local plans across neighbourhood areas. For the latter, there should be content in local plans on the basis of duty to cooperate.

Neighbourhood Plans should take account of local infrastructure deficiencies and the timescale for action to deal with them.

Para. 51 The text would appear to allow an approved business-led Neighbourhood Plan to take precedence over policies in the local plan. That must not be allowed if it would jeopardise achievement of the local plan’s overall aims and delivery.

What does “subject to the presumption in favour of sustainable development” mean here? Is it necessary to repeat it? **Delete**

Para. 52 A Neighbourhood Plan should be compatible with all applicable legal requirements and should demonstrate that it is.

Development management

Para. 53 It is insulting to imply in the text of this paragraph that development control officers attempt to “hinder or prevent development”. They seek to deliver the proposals and requirements of local plan policies and, if they negotiate changes, to make proposals more conformant, that is a required and important objective, as proposed in para. 54. **Amend the test to:**

“foster the delivery of the policies and proposals of the local plan and deliver sustainable development.

Para. 54 Approving planning applications “wherever it is practical to do so” is an unacceptable term in national policy. It is similar to the other expressions of what is “possible”, which must be removed or made definitive, that are in paragraphs 15, 16, and 19. Such words are likely to increase appeals and case law clarification of limits.

Instead of requiring LPAs to “enable the delivery of sustainable development proposals” the text should require LPAs to ‘ensure that planning approval is given only to proposals which are developments meeting the standards for sustainability and which meet the requirements of the local plan for economic development, housing, the environment and all forms of infrastructure’.

Para. 55 This paragraph repeats the content of others about ‘presumption in favour of sustainable development’ and ‘consistency’. It should be deleted.

Para. 56/57 The policy for pre-application negotiation is supported strongly but it must involve the people and organisations affected by proposed development.

Para. 58 The requirement for statutory planning consultees to take the same early, pro-active approach in pre-application consultancy is new but welcomed. At present, such organisations will not become engaged before a planning application is referred to them. They should have the same protection as Councillors in the discussion process, as in the Localism Bill.

Para. 59 LPAs should be able to refuse planning permission if assessments that are required by law are not provided or are inadequate without risking challenge.

Para. 60 There must be an entry in the Glossary to describe a “planning performance agreement”.

Para. 61 The text duplicates and extends that in paragraph 58 and they should be merged.

- Para. 62 The wording that local plans are “the starting point for the determination of any planning application” are not in line with planning law and should be replaced with words that describe the basis on which decisions should be made, including refusals.
Applications should be determined on the basis of whether or not they accord with the development plan (in London that includes the Mayor’s SDS, the London Plan). **Rewrite this paragraph:**
- “The planning system is plan-led and requires that all decisions be determined in accord with the Local Plan, unless there are strong reasons for overriding it.”**
- Para. 63 The text that “local planning authorities should apply the presumption in favour of sustainable development” is endless and unnecessary repetition. Paragraph 62 should be all that is required for development control decision making. **Delete paragraph 63**
- Para. 64 The purpose of Article 4 Directions in the text should include the protection of the character, public realm, historic value and architectural integrity of conservation areas.
- Para. 65 Local authorities can use neighbourhood development orders, as well as them being devised by a neighbourhood Forum.
- Para. 66 Community Right to Build Orders must be assessed for their impact on the use of land and the availability of the required local facilities, transport and infrastructure, which may cause phasing of development. The text of paragraph 145 which permits housing proposed under a Community Right to Build Order in the Green Belt will have to be expanded to explain when and why such development should be permitted. It does not accord with the required policy for the use of previously developed land, sustainable communities, protection of open space and reducing the need to travel.

Planning conditions and obligations

- Para. 67 “unacceptable development” should not be given planning approval by the use of planning obligations, if the proposed development remains contrary, in itself, to the policies of the development plan. Financial contributions should not be allowed to offset harm in planning terms.
- Para. 70 Details on how conditions or obligations could make a proposed development not viable and how that should be demonstrated by an applicant will have to be provided in guidance or in additional text.
- Para. 71 “sustainable economic growth” will need to be defined, as in the descriptions used in PPS4 for benefits and limits.

- Para. 72 The Government's objectives are described as being to promote "thriving, inclusive and locally distinctive rural economies" and to "raise the quality of life and the environment in rural areas". That is unacceptable in its failure to seek urban regeneration and a proper focus on cities as drivers of the economy and growth. The Government's objectives must address urban deprivation. **The listed set of aims is very seriously inadequate.**

Planning for prosperity

This section needs an introduction on the importance of town and city centres as the most appropriate locations for key town centre uses and a description of them and the benefits of the use of suitable sites. There should be a strong emphasis on getting the right businesses in the right places.

Support economic development

- Para. 73 Delete the negative comment that "Investment in business should not be over-burdened by the combined requirements of planning policy expectations." It is enough that LPAs should "positively and proactively encourage sustainable economic growth" and "address potential barriers to investment, including poor environment or any lack of infrastructure, services or housing."

Put more emphasis on the location of development by changing the order of the bullets and strengthening the references to locations and sustainable transport.

LPAs should recognise and act upon the needs of small and emerging industries and businesses. They should protect land needed for waste management and logistics.

Trip-generating developments should be located where there is both easy access to and sufficient capacity to meet the demand for public transport without causing congestion or overcrowding.

- Para. 74 The text is a further repetition of "local planning authorities should apply the presumption in favour of sustainable development". It serves no additional purpose here or in many of the places it occurs and it should be deleted.

- Para. 75 This paragraph promotes the conversion of buildings and floor space from employment use to higher value uses such as housing. **Its content is quite inappropriate in a policy section on 'Supporting economic development'**. It is the same harmful approach that the Government has taken on the Use Class Order for allowed conversion from B1 use. It would remove from the market low-cost employment space required by small and medium enterprises. Conversions of offices will not allow any part of their increased value as homes to be secured as contribution to affordable housing in them or elsewhere. No planning obligations could be imposed for mitigation of the effects of new usage. It would not be possible to impose

planning conditions to ensure the resultant building met required standards and appearance in line with local plan policies. The NPPF policy could accelerate the loss of industrial land, which has been above London Plan policy levels in the capital.

Rewrite paragraph to encourage a review to remove sites and buildings that are not needed and not likely to be wanted.

Promoting the vitality and viability of town centres

This section must include major office developments as key uses for town and city centres.

Para. 76 **PPS4 has been ignored in the compilation of this long policy paragraph.** It fails to support town centre uses. Requirements for culture, education, entertainment, recreation, health and open space are not mentioned. Consideration of the scale, location, accessibility to transport and other services of offices, with sequential site assessment undertaken by the applicant, is omitted. Out-of-town retail and leisure developments would be supported by this policy. It must be improved.

Add a new first bullet point – recognise city and town centres as important concentrations of economic activity which benefit from the concentration of uses and the synergy and links between them as well as the existing investment in physical, transport and social infrastructure.

Add need to recognise town centres, including district and neighbourhood centres, as a focus for regeneration through appropriately sized new facilities.

Para. 77 The text waters down the ‘town centre first’ policy and does not cover impact assessments. The uses given in the text should include major offices, public administration, tourism and culture.

Para. 78 The words that LPAs “should prefer” applications for retail and leisure uses to be located in town centres are weak and not a basis of decisions. The sequential approach should be defined as a policy requirement that developers should demonstrate and it should be made clear that applications which do not meet its requirements should be refused.

The omission of offices from town centre uses must be corrected and also in para. 79.

Para. 80 Add a bullet point to consider the size, role and function of a centre, because it is not suitable to locate a large-scale

development in or near to a small centre, as it bears no relationship to that centre or its catchment area.

Transport MAJOR RETHINK NEEDED

London Forum strongly supports the submission by the Chartered Institute of Highways and Transport (CIHT)

Communications infrastructure

The London Forum supports the need to provide new communications infrastructure, but is concerned that there is insufficient recognition by operators of the need for greater sensitivity in the siting and scale of the latest equipment and its potential impact on sensitive areas.

We welcome the advice on mast sharing and the careful choice of new sites, sympathetic design and camouflaging (para 96)

We are, however, extremely concerned about the new, larger broadband cabinets that are being proposed and the insensitivity of the operators to ensuring that they are sited and designed to minimise their visual impact and ensure their siting does not cause an obstruction. This is not just a question of their impact in conservation areas or on the setting of listed buildings, although this is an additional justification – they need to be sited and designed to minimise visual impact everywhere. This must be part of the Government's commitment to minimise street clutter.

Para 97: We propose adding a third bullet to read:

- **communications infrastructure is planned and designed to minimise their visual impact, especially in conservation areas and where they affect the setting of a listed building, avoid causing an obstruction and minimise streetscape clutter.**

Para 98: We propose an additional bullet:

- **for a programme of new broadband cabinets, evidence that the applicant has explored potential locations, siting and scale of cabinets with the local authority to ensure that the impact on visual amenity of the area, potential obstruction and street clutter is minimised.**

Minerals

DELETE: See our comments in our main response on this large section of the NPPF.

The objectives for minerals lack content for prudence, conservation of supplies, mitigation, aftercare and limits of the environment. That could affect London Plan policies for aggregates.

There is not enough coverage of the implications of dust, pollution and environmental limits.

The Minerals Planning Policy Guidance Notes were always outside the mainstream of PPGs/PPSs – there would be no harm in leaving them there.

Planning for people

Housing

This section needs an early paragraph on both the pattern and the location of development and the re-use of previously-developed land and existing buildings before greenfield sites. It should be recognised that the London Plan contains policies on housing and targets for the provision of types of homes to which local authorities have agreed.

Para. 107 The second sentence is the real objective. Therefore, the first sentence should not just “increase” the supply of housing, but to supply what is required to meet the backlog of need and future requirements.

The third bullet point should include ‘and balanced’ after ‘inclusive’ for communities.

Renewal of poor housing should not result in any loss in the quantity of affordable housing.

The text omits the existing affordability objective in PPS3.

Para. 108 The ‘range’ of housing should include type and size.

Para. 109 If the future supply of sites for homes are identified in consultation with the house building industry, there should be enough suitable sites identified to provide choice. **There is no need to provide an extra 20% as local authorities should have a rolling programme that allows the five-year supply to be topped up from the next phase, so eliminating the problem of not having a five-year supply.**

The allocation of extra housing sites to those derived from assessment could adversely affect business development, contrary to the thrust of the Government’s aims.

Sites chosen by developers should be assessed against the same criteria as sites selected for designation in the plan.

The special circumstances of London need to be recognised, especially in relation to the third and fourth bullet points and is probably best handled by a new sixth bullet.

Bullet point six does not apply in London where there is a London Plan policy for the density range for each type and location of site and its transport.

In addition to priority for the use of previously-developed land, there should be bullet point for making the most effective use of land with housing at suitable densities.

Details from PPS3 for plan, monitor and manage should be included. PPS3 paragraph 54's requirement for locating homes in the most suitable locations should be included in this section of the NPPF.

Para. 110 **Additional sites must be assessed on the same basis as sites included in the plan.**

This paragraph repeats again the same words used over and over again in the draft NPPF which dictate the approach to development management and decision making in a way that is not compatible with planning law. Permission should not be granted for developments that fail policies for sustainability, location and type.

Para. 111 There should be reference to the needs of gypsies and travelling show people.

Failure of developers to make affordable housing provision where that is viable should be grounds for refusal. Any scheme of more than 15 homes or in London 10 units or the equivalent floorspace should lead to negotiation for contribution to affordable housing, preferably on site.

The second bullet point should include room sizes.

Design

Para. 114 Design of buildings should also be sustainable, contribute positively to the public realm and landscape and be context sensitive.

Para. 115 There should be reference to planning for place shaping.

Para. 116 There is no reference to local character which is an important factor in quality of development. Important text about that from PPS7 has been omitted. New developments should respect the local built and heritage surroundings.

The need for inclusive design should be included.

Para. 118 This policy should not prevent standards for height and design being imposed for historic areas.

Para. 121 The refusal of developments of "obviously poor design" would lead to arguments and appeals about the meaning of those words and of "truly outstanding or innovative" for design, which applicants will claim their scheme to be. The first part of the paragraph is sufficient.

Para. 122 More specific promotion should be included of pre-application consultancy and involvement of the local planning authority and all those affected by developments.

Para. 123 The text weakens current control of advertising, particularly for large advertisements. Harm to the public realm, light pollution, distraction of drivers and impact on views must be taken into account in assessing proposals for advertising.

Sustainable communities

Para. 126 Community facilities should include youth clubs.

Para. 128 Open space should include allotments and children's play space. Public open space privately owned should have minimum restrictions for access and use.

Para. 130 Local Green Spaces should be able to be designated at any time. The word 'only' should be moved to be before the word 'when'.

That applies to most of the use of the word 'only' throughout the draft NPPF. 'Only' is not intended to restrict the verb, in most cases, but is associated usually with it.

This paragraph allows designation of Local Green Spaces but then implies that they can be built upon in "special circumstances" and they should not inhibit the creation of homes and jobs. That makes such designations meaningless.

Para. 131 The first sentence is nonsense. Presumably the word "most" is meant to be "all".

Para. 132 The management of development in Local Green Spaces should not be linked to Green Belt policies, as that would allow building of homes under Community Right to Build.

Green Belt

The protection of Metropolitan Open Land should be included.

Para. 135 Text from PPG2 should be included for the Green belt objectives that should be achieved.

Para. 140 This paragraph weakens the current protection for Green Belt land and introduces threat to the undesignated greenfield land which is not defined for development in the local plan.

There should be no relevance in whether or not an area is "open".

Para. 145 It is not justified that "engineering operations" should be allowed in Green Belt land.

Para. 146 There should be no reason to locate any renewable energy projects on Green Belt land until there are no other locations in England for them.

Planning for places

Climate change, flooding and coastal change

Para. 150 PPS1 supplement on water efficiency should be included.

Para. 151 **This paragraph would allow developments that harm historic assets.** That must not be permitted. See our comments below from paragraph 176.

Para 152 The last bullet point should go beyond identifying opportunities to expecting that new developments should include such energy supply systems.

Natural environment

Para. 164 The second bullet point should have "where possible" deleted.

Para. 165 There is another, unnecessary repeat of the "significantly and demonstrably" sentence.

The wording would allow loss of habitats.

- Para. 166 There should be refusal for developments that affect protected sites of any kind.
- Para. 167 Protection of waterways and their enhancement should be included.
- Para. 169 This contains another expression of the "presumption", which is not needed.
Bullet point four should include all trees with protection orders and those in conservation areas.
- Para 171 More detail is required on contaminated land and remedial responsibilities.

Historic environment

Many PPS5 policies are included in some form or other, sometimes verbatim, but they frequently appear in a truncated, rather than a condensed, form so that the supposed framework of regulation is confused.

Whereas the starting point for PPS5 is a clear expression of an unusually thorough understanding of the different kinds of knowledge, understanding and relevance, and indeed enjoyment to be gained from historic localities and the historic built environment, the Framework refers to 'the quality of life' a phrase too vague to be meaningful in the context of development which could claim 'substantial public benefits that outweigh ...harm or loss'. No example or indication is given of the scale of public benefit or the nature of the proof required in order to substantiate the claim.

Little weight is given to the fact that the historic environment is a non-renewable resource. Their 'appropriate and viable use' and 'the positive contribution of such assets '(quoting from PPS5) to local character and a sense of place should be recognised unequivocally. In abbreviating policy HE9.1 (in order to cloud the clear presumption in favour of conserving) the irreplaceability of heritage assets 'once lost...cannot be replaced and the loss has a cultural, environmental, economic and social impact.' is weakened. In destroying old buildings and landscapes we destroy a source of knowledge for ourselves and for future generations.

While 'sustainability' is nominally central to the Framework, the idea of the appropriate re-use of historic buildings , which are frequently themselves examples of alternative, sustainable and local construction technologies and therefore offer an environmental gain, is downplayed and disappears.

Despite assurances, the NPPF subtly but definitely and considerably weakens the protection given to heritage assets. Even if a proposal impacts on a designated heritage asset, the local authority would have to show, in order to refuse planning permission, that it will cause material harm and that the harm is not outweighed by wider benefits. PPS 5's presumption in favour of the retention of any heritage asset and the need for developers to justify any harm caused to it (180) has been dropped and replaced by the much weaker words "weight should be given to its conservation" (183).

The NPPF mandates the setting of policies only for sites with the highest level of protection (166), e.g. SSSIs. This seems to be inadequate bearing in mind the requirements of EU Directives and existing primary legislation such as that relating to National Parks.

The case for justifying demolition of Heritage assets is made solely on economic grounds; paragraph 13 puts "significant weight" on economic factors as a justification for demolition, which will put all but Grade I or II* building at risk.

Para. 178 The third bullet point implies that there might not be a desirability for a positive contribution, which there must be.

Para. 179 The text should read, 'ensure that the reasons for awarding such a status are clear...'

At the end of that sentence delete 'special' insert 'distinctive'. Special can imply rarity whereas much of England's, and especially London's, historic fabric is the product of ideas of town planning which involve integrity of design through the repetition for forms and unity of style.

Para. 180 While indeed the applicant should be expected to support an application involving historic spaces and buildings with a statement of their significance, it is surely essential that the local authority has access to specialist and disinterested knowledge of the buildings and spaces concerned, and of their wider national and international historical context, against which to weight the applicant's account.

Para. 181 The phrase 'any necessary expertise' is used. A more specific suggestion of a range of specialist consultees should be made. Add 'where possible' to the second sentence, otherwise the sentence appears to foresee permission granted despite harm.

Para. 183 Instead of 'weight', use the much less clumsy 'the presumption' as in PPS5 which is absolutely clear, to read 'When...the presumption should be conservation.' Add unlisted buildings of merit. The second sentence should be changed to "As heritage assets, both designated and undesignated, are irreplaceable...". PPS5 emphasised the importance of retaining the undesignated heritage. The text states that substantial harm to Grade II buildings should be exceptional, whereas the cumulative damage from unsympathetically-designed small alterations is equally damaging.

Para.184 Add 'any' - 'Where the application will lead to...of any designated heritage asset including unlisted buildings of merit'. Although this restates much of Policy HE9.1 and 9.2 it will surely be able to be overridden by the presumption in favour of sustainable development and within that context the proof required to support claims of 'substantial public benefits' may not be rigorous, neither, in fact, may the claims to the sustainability of the development.

Para. 190 Amend the last clause to read 'outweigh those accruing from compliance.'

Glossary

Additional definition is needed for:

- **community facilities**
- conservation areas.**
- **general conformity - this applies to the NPPF and all plans, including the London Plan**

