

## **Draft revised National Planning Policy Framework Response from St Albans Civic Society**

### **Chapter 1**

**Q1.** Do you have any comments on the text of Chapter 1?

*Para.6: We recognise the need for clarification regarding the relevance of Written Ministerial Statements and 'endorsed recommendations of the National Infrastructure Commission'.*

### **Chapter 2**

**Q2.** Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

*No*

*Although we are entirely supportive of sustainable development, this should not be at the expense of heritage: the preservation and conservation of historic landscape, buildings, environment and landscape and amenities. This is particularly important for an historical cathedral city like St Albans, with a heritage stretching back to the Romans. Therefore, we would wish to see para.11, b), ii, strengthened to protect heritage.*

*The objectives in paragraph 8 are not 'weighted': it is important to emphasise the presumption against development where it would conflict with the environmental objective.*

**Q3.** Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

*No*

*It is important these principles are stated in one place. Repetition is not necessarily a bad thing; particularly in such a complex document.*

**Q4.** Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

*Para. 11: The policies at footnote 7 should include reference to conservation areas and the environment of protected heritage assets.*

*Para.12: It states that 'local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'. This is vague and there are no examples of what might constitute 'material considerations'.*

*A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.*

*Material considerations can include (but are not limited to):*

- \* Overlooking/loss of privacy*
- \* Loss of light or overshadowing*
- \* Parking*
- \* Highway safety*
- \* Traffic*
- \* Noise*
- \* Effect on listed building and conservation area*
- \* Layout and density of building*
- \* Design, appearance and materials*
- \* Government policy*
- \* Disabled persons' access*
- \* Proposals in the Development Plan*
- \* Previous planning decisions (including appeal decisions)*
- \* Nature conservation*

*However, issues such as loss of view, or negative effect on the value of properties are not material considerations.*

*Para. 14 requires redrafting as its meaning lacks clarity.*

### **Chapter 3**

**Q5.** Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Yes

*We are content to accept the changes proposed to the tests of soundness.*

**Q6.** Do you have any other comments on the text of Chapter 3?

*Para 24: It is all very well, under cover of the phrase 'sustainable development', to require local authorities to 'bring sufficient land forward (ie earmark it for development) but this can only mean the erosion of the Green Belt which the Government is on record as being committed to protect.*

*Para. 34 is especially important regarding development contributions to viability of infrastructure in St Albans because of the high density of population of the region. We would recommend the removal of the phrase 'Such policies should not make development unviable...', as developers should not be able to argue their way out of affordable housing and infrastructure responsibilities.*

#### **Chapter 4**

**Q7.** The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

*No*

*We cannot foresee any problems with the requirement.*

**Q8.** Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

*We would welcome a firmer approach in holding developers to account over viability statements.*

**Q9.** What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

*The capture of such data could be useful in understanding the appropriateness of the decision-making (particularly if it were coupled with a requirement to give more data for infrastructure improvement).*

**Q10.** Do you have any comments on the text of Chapter 4?

*Para. 41 is a key opportunity for civic societies to participate in development discussion, along with other local bodies, and articulate issues of conservation, quality of design and viability. Whilst recognising that such engagement should not necessarily slow down processes, a consultation requirement would be a positive step forward.*

*Para 48-51: the emphasis here seems to be on speed and expediency of the decision-making in the planning process. We can understand that the focus of the NPPF was and still is on building more homes because of the critical shortage of housing, but this bias towards numbers could imply a lack of concern for good design and conservation (crucial legacies). Civic Societies are often accused of NIMBYISM and local authorities have been portrayed as obstructive in their response to planning applications, even when their concerns over development have been for appropriateness and quality in the long term. We would like to see this concern reflected in the NPPF rather than a leaning*

*towards short-term development, or over-development, relating to current lack of housing and the perceived need to build a target number of homes.*

*Para 54: our view is that Article 4 directions are a vital tool that can be used for the preservation of local facilities, such as retail in the high street, and ensuring a vibrant local economy, essential for historic city centres.*

*Para. 59: it is our experience that enforcement often lacks teeth and that local authorities can be too easily out-manoeuvred by developers. Their lack of adequate sanctions undermines public confidence and allows unscrupulous developers not only to proceed with unauthorised development but also flout planning conditions. Therefore, a published local enforcement plan could be a useful tool for public opinion to hold the local authority to account.*

## **Chapter 5**

**Q11.** What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

*As part of the densely populated south east of England, the demographic mechanism applied to calculate housing need for St Albans appear to take little account of the infrastructural issues attached to an increased population: supply of water, energy, roads, schools, medical facilities et al. In this chapter we would like to see more emphasis on regional planning, along with local plans, that identified appropriate development opportunities. There is also the danger that, as the Civic Voice President, Griff Rhys Jones, in his response in March to the draft NPPF, stated, "...we are very likely to end up with the wrong homes in the wrong places."*

**Q12.** Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

*No*

*We anticipate several difficulties: is it realistic to demand a five-year supply of development sites in densely populated areas surrounded by the Green Belt such as St Albans? The answer is 'no'. This policy would lead to a developers' free-for-all. There are major issues: protecting the Green Belt, sustaining the identity and nature of the historic city, and conserving and enhancing the natural environment (Chapter 15), as well as controlling developers' land banking and stockpiling planning permissions*

**Q13.** Do you agree with the new policy on exception sites for entry-level homes?

*No*

*There are concerns as to how this would work without appropriate infrastructure and damage to the Green Belt and natural environment.*

**Q14.** Do you have any other comments on the text of Chapter 5?

*We would reiterate our concern about the side-lining of quality of design and appropriateness in relation to quantity of houses being built.*

## **Chapter 6**

**Q15.** Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Yes

*Yes, with the reservation that such 'accommodation' should not involve encroachment into the Green Belt.*

*It is very important, amidst the need for more housing, the instruments for economic growth and productivity are not neglected. There is concern in cities and towns near to London, like St Albans, that London sucks in the skilled labour force, while high property costs drive out businesses, particularly SMEs. This state of imbalance is seen nationwide in the way the south east of England has developed and prospered in relation to the rest of the country. Planning, as well as providing homes for a growing and changing population, has a crucial part to play in redressing these imbalances and fostering appropriate economic growth.*

**Q16.** Do you have any other comments on the text of chapter 6?

*The chapter rightly reflects aspirations that can be seen as 'motherhood and apple pie,' but apart from exhorting planning policies to meet business needs there is little strategy on how to encourage growth through infrastructural and amenity development. There needs to be a regional engagement.*

## **Chapter 7**

**Q17.** Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Yes

**Q18.** Do you have any other comments on the text of Chapter 7?

*Our experience in St Albans has been that market forces and high business rates have driven out the diversity of local retail offering, replacing it with large national retail chains and coffee shops ('the betting shop phenomenon', as seen elsewhere). At the same time the pressure on the commercial sector has seen a steady conversion of buildings' use class from business to residential. The local authority had virtually no power to influence or manage the retail offering until Article 4 directions were sought.*

## **Chapter 8**

**Q19.** Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

*Yes*

*We welcome the way planning policies should consider security and safety issues as well as the importance planning can play in promoting social interaction and healthy lifestyles.*

**Q20.** Do you have any other comments the text of Chapter 8?

*Para 93c is very important for historic cities the size of St Albans*

## **Chapter 9**

**Q21.** Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

*No*

*It is disappointing that the section that stated councils should set appropriate parking charges that do not undermine the vitality of town centres has been removed from the NPPF. Availability of parking is a key factor in maintaining the vibrancy of retail outlets in city centres, but all too often parking charges are seen, by cash strapped local authorities, as an easy earning 'cash cow'.*

**Q22.** Do you agree with the policy change that recognises the importance of general aviation facilities?

*Yes, but this should not be to the detriment of the local population or the environment. Expansion of aviation facilities needs to be balanced against the need to protect the well-being of those who would be affected by such development, and to take account of the deleterious effect of the consequent increase in air-traffic overflights and of the general impact on the environment both in terms of pollution and aesthetics.*

**Q23.** Do you have any other comments on the text of Chapter 9?

*We welcome the new introduction, which emphasises the importance of sustainable transport for a thriving community.*

## **Chapter 10**

**Q24.** Do you have any comments on the text of Chapter 10?

*The new paragraph in relation to the delivery of high quality digital infrastructure, which is key to making the country competitive, is positive and helpful.*

## **Chapter 11**

**Q25.** Do you agree with the proposed approaches to under-utilised land, re-locating land for other uses and making it easier to convert land which is in existing use?

*While we can support the use of brownfield sites and high-density buildings we are very wary of making it easier to convert land 'in existing use', as this could be construed as relaxing the restrictions of building on Green Belt or community assets.*

**Q26.** Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

*Not sure*

*There are pros and cons to this approach; the advantages are clear where there is land shortage and high housing demand, but this could result in very confined, mean, low quality buildings, which would be socially harmful and aesthetically poor.*

**Q27.** Do you have any other comments on the text of Chapter 11?

*It will be important that there are clear local plans that determine a transparent strategy for land utilisation. At para 118e local planning authorities should be free to employ Article 4 directions to withdraw proposed permitted development rights for upward extensions to protect conservation areas.*

## **Chapter 12**

**Q28.** Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

*As mentioned above we particularly welcome the emphasis now given to the importance of pre-application consultations in effecting good quality design. This will allow a wide range of locally sourced expertise to engage with the developers and planners in trying to avoid poor quality construction.*

**Q29** Do you have any other comments on the text of Chapter 12?

*Para 127 states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably. However a distinction needs to be made between genuine two-way engagement at pre-application stage and presentation on eve of application. Consultation with the community should not be taken as evidence of the community's consent to a proposed development.*

Although there is a focus here on good design, it is disappointing that within para.129 there appears to be a paradox. On the one hand, it is clearly stated that 'Permission should be refused for development of poor design...' but later, '...where the design of a development accords with clear expectations in local policies design should not be used by the decision-maker as a valid reason to object to development'. Although there is a caveat, it suggests much could be disputable. The last sentence, therefore, should be deleted.

## **Chapter 13**

**Q30.** Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

*We welcome any reiteration to protect the Green Belt and accept the promotion of a greater use of brownfield sites (despite the financial disincentive for developers). We are wary of the categorisation of sites as 'brownfield' being a stepping stone to lucrative housing development in the Green Belt.*

**Q31.** Do you have any other comments on the text of Chapter 13?

*Para.135: It states that 'exceptional circumstances' need to be demonstrated in a strategic plan before changing Green Belt boundaries. This is worrying as pressure to meet housing targets could make building on the Green Belt for local authorities an easier option than attempting to develop brownfield sites, with all the extra costs involved. Greater clarity is required as to what constitute 'exceptional circumstances'. Otherwise, it could simply be interpreted as*



*the need to meet housing quotas. 'very' should be added to 'exceptional circumstances'.*

*Para 143: Likewise as to 'special circumstances'.*

*Paras 144 b) and 145 e): Local authorities should be wary of development for sport/recreation in the Green Belt and conditions should apply to ensure that the use remains as sport/recreation or the land reverts to agricultural or non-use.*

## **Chapter 14**

**Q32** Do you have any comments on the text of Chapter 14?

*We welcome the change that requires plans should have regard to the accumulative impact of flood risks, as with climate change this has become a major issue.*

**Q33** Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

*Not sure*

## **Chapter 15**

**Q34** Do you agree with the approach to clarifying and strengthening protection for areas of environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

*Yes*

*It is right and proper that the applicant should be responsible for dealing with any 'nuisance' arising from any existing development.*

**Q35** Do you have any other comments on the text of Chapter 15?

*Given the emphasis on building more homes across the country, the importance of conserving the natural environment needs to be paramount and this cannot be emphasised enough in the NPPF.*

## **Chapter 16**

**Q36** Do you have any comments on the text of Chapter 16?

*It is very important that planning takes into account all aspects of heritage, so that these are preserved for the generations to come. Too much has already been lost to expediency, financial gain and short-sightedness.*

*It is noted that paragraphs (169 & 170) from the existing NPPF have been omitted. These paragraphs set out the requirements for local authorities to predict the possibility of hitherto unidentified heritage assets. The danger is this previous obligation could be ignored and there would be the potential loss of significant elements of heritage. These paragraphs should be reinstated.*

## **Chapter 17**

**Q37** Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

*No*

**Q38** Do you think that planning policy on minerals would be better contained in a separate document?

*Yes*

*The special circumstances of mineral development warrant a separate approach.*

**Q39** Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

*No*

**Q40** Do you agree with the proposed transitional arrangements?

*Not sure*

**Q41** Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

*Not sure*

**Q42** Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

*Not sure*

**Q43** Do you have any comments on the glossary?

No

### **Summary of St Albans Civic Society's overall view of the draft NPPF**

*While we welcome the emphasis on developer accountability, at present there appears to be an imbalance of power between developers and local communities and their authorities.*

*There does seem to be an over reliance on increasing housing numbers according to the demands of the market, which could well damage the countryside and compromise the Green Belt (despite reassurances that the Green Belt will be maintained), while failing to address the issue of lack of affordable housing. We would welcome greater direction on where development can take place, so there is a clear strategy rather than leaving the planning to a piecemeal inconsistent approach across the country.*

*There is a sense that there is a danger the framework will set local authorities up to fail by imposing unachievable targets in areas of high demand (of which St Albans is one). As a community that wishes to see developments that are well-designed and meet our local needs and respect Green Belt boundaries (save in very exceptional circumstances), we do feel vulnerable that our concerns will be over-ruled by central government's agenda that is mostly focussed on building more homes.*