Dear Mr Scott

Draft National Planning Policy Framework

Thank you for providing Broxbourne Council with the opportunity to comment on the above document. Members and officers have carefully considered the potential implications of replacing the existing suite of PPSs, PPGs and Circulars with a single streamlined document and would like to make the following points.

Localism and Growth Agenda
Broxbourne Council is supportive of the coalition Government’s localism and growth agendas. Our recently submitted and examined Core Strategy sets out a clear spatial vision for new housing, new high-value jobs, new retail and leisure development and associated infrastructure. For want of a better description, we are not a NIMBY authority. We support the intentions of Localism Bill to transfer far more decision-making responsibilities to local councils and communities; who are best placed to make informed judgements for their areas.

Strong Presumption in Favour of Sustainable Development
The Council has fundamental concerns with the level of emphasis the Draft NPPF is seeking to introduce in respect of the presumption in favour of sustainable development. We are particularly opposed to the assertion that the default answer to development at every level should be yes wherever possible. There are likely to be many circumstances where it is entirely appropriate and desirable to refuse planning applications. A “yes, wherever possible” provision will give appeal hope
to many questionable developments. Where a council decides to refuse planning permission the ultimate decision will pass from the local council/community to the Planning Inspectorate. Too many lost appeals and costs awarded judgements will quickly undermine local confidence in the new system. Our reading of the framework also identifies a significant lack of balance whereby all development is sustainable right up until the point where its adverse impacts are significant.

Streamlining

The Draft NPPF seeks to condense 900,000 words of national guidance into what is described as a user-friendly and accessible document of 58 pages. We have no disagreement with the principle of this ambition, as the planning system can be very confusing to the lay person, but anticipate that a large amount of detail and clarification will be lost. This is not always top-down bureaucracy. It is very often necessary and useful guidance which can be used to help determine planning applications and reduce the need for local councils to prepare their own detailed planning policies. If this detail is lost the only legitimate response available to the Council may be to reintroduce such policies through a Development Management Policies DPD or similar.

Housing Supply

Broxbourne Council opposes the proposed requirement to add an additional 20% to our five year housing land supply. The Broxbourne Core Strategy sets a target to build 240 dwellings per year and can demonstrate a five year housing land supply from committed and urban SHLAA sites. The Council does not therefore plan to release housing land from the green belt until about 2016 onwards. The requirement to identify a further 20% (240 dwellings worth) of specific deliverable sites makes it more likely that green belt land would need to be released in the short-term; a situation that is likely to encourage landowners and developers to submit planning applications for development that is not yet either allocated or required. This could ultimately result in a far faster rate of housing provision than our evidence has indicated is needed.

Local Plans “v” LDFs

It is noted that the Draft NPPF no longer refers to the LDF system of Core Strategies, DPDs, AAPs, SPDs, LDSs and SCIs (although the separate CLG Local Planning Regulations consultation document does refer to such documents). There is a reference to succinct local plans (plural, para 19), an assertion that each local planning authority should produce a local plan for its area (singular, para 21) and advice that additional DPDs should only be used where clearly justified (para 21). Broxbourne has already prepared a Core Strategy and now intends to proceed with subsequent DPDs. There may therefore be merit in reference to, or a statement pertaining to, transitional arrangements for those authorities that are well advanced with the LDF system.
Design
The Council welcomes the general emphasis on high quality design but has concerns about statements such as “planning policies and decisions should not attempt to impose architectural styles or particular tastes” (para 118) as this juxtaposes with conservation areas appraisal work where there is often significant value in requiring developments to ape particular architectural styles.

Duty to Co-operate
The Council is concerned that the “duty to co-operate” principle has not been defined. During the preparation of the Broxbourne Core Strategy for example the Council worked closely with a wide range of statutory bodies and adjoining authorities but was in some cases simply unable to resolve inherent differences of professional/political opinion. There is no guidance in the Draft NPPF or elsewhere which clarifies how the checks and balances mechanisms of the planning system will decide which bodies/authorities to favour in such circumstances. This lack of clarity is likely to facilitate a far more litigious approach to disputes.

I look forward to your response on these matters.

Yours sincerely

Douglas Cooper
Head of Planning and Development