

DCLG consultation: Draft National Planning Policy Framework

Response of the Landscape Institute, 17 October 2011

1. The Landscape Institute

The Landscape Institute (LI) is the Royal Chartered body for landscape architects. As a professional organisation and educational charity, we work to protect, conserve and enhance the natural and built environment for the public benefit. We accredit university courses and promote professional development to ensure that landscape architects deliver the highest standards of practice. We work with government to improve the planning, design and management of urban and rural landscape. Through our advocacy programmes and support to our members we champion landscape, and the landscape profession, in order to inspire great places where people want to live, work and visit.

As well as championing the environment, landscape architects also understand how to integrate economic and social considerations with environmental factors to ensure that we make the best possible use of our land. Land is a finite and valuable resource and reforming the planning system presents ministers with an ideal opportunity to improve the way we manage and use this land in order to deal with a range of economic, environmental and social challenges.

2. Landscape Institute response

The LI has the following overarching points to make:

- We are concerned that there is no mechanism for the monitoring, review and revision of the NPPF. This is essential and a fundamental principle of good planning; and
- We suggest that the NPPF should clearly state:

“The purpose of planning is to regulate the use of land in the public interest, to balance competing land use needs in order to shape the places in which we all live, work and visit and to integrate them into the natural environment upon which we all depend”

There are some major themes of utmost importance which should be given greater emphasis. These precede more detailed responses to each of the questions contained within the consultation response and are as follows:

- (i) Green infrastructure;
- (ii) Natural Environment White Paper;
- (iii) European Landscape Convention and landscape character;
- (iv) Sustainable development; and
- (v) Supplementary Planning Documents.

(i) Green infrastructure

Green infrastructure (GI) represents the best approach to ensure multifunctional and sustainable use of land and is a key tool in achieving sustainable development. This approach was supported at the launch of the Government's Green Infrastructure Partnership on 11 October 2011:

“I need to emphasise that the Government is coming from a position that economic growth and the natural environment should be mutually compatible. High quality natural environments and green spaces foster healthy neighbourhoods and lifestyles, and encourage social integration and enterprise.

Economic growth and quality green spaces are not separate entities – they work together. Quality green space increases property values, attracts business and increases local prosperity generally for the people who live near them.” – Bob Neill MP, Parliamentary Under-Secretary, DCLG.

“Green Infrastructure can help in delivering so many of our policies – not only for the environment, but also our social and economic objectives. Green Infrastructure: trees, green space, rivers – and the paths and bridges that connect them to communities. It builds stronger ecological networks. It gives people better places to live, better health and better quality of life. It creates the kind of places where people want to invest and create new jobs and businesses.” – Richard Benyon MP, Parliamentary Under-Secretary for Natural Environment and Fisheries, Defra.

The LI welcomes the support of the two ministers and believes that the approach outlined above needs to be better reflected in the revised NPPF. The current draft refers to green infrastructure (GI) in the context of climate change adaptation and protected valued landscapes. GI is relevant to a far greater range of policy objectives than is currently set out in the draft NPPF. GI has an important role to play in delivering many other objectives of the draft NPPF, for example, *Planning for prosperity, Planning for people, Housing and Sustainable communities*. This importance should be reflected in the revised NPPF by ensuring that GI is embedded throughout.

In particular, the LI recommends that the following two recommendations should be incorporated into the revised NPPF to ensure the realisation of the Government’s ambitions for GI delivery:

- Local plans should be required to include GI strategies and the Duty to Cooperate should be extended specifically to include GI as a theme for cooperation; and
- Local planning authorities should require developers to submit as part of their application (for developments over a certain threshold) a Sustainable Environment Plan, the purpose of which would be to set out how their proposals contribute towards green infrastructure delivery. Throughout the draft NPPF the Government has set out its sustainability aspirations in as far as development affects land and this plan would create an opportunity to draw these together into a coherent development proposal. The emphasis of these plans will be on functionality, and may include, amongst other things, air quality, water quality and floodwater management, space for food growing, support for ecosystems, energy use in construction and subsequent management, energy generation, carbon sequestration, micro-climate control and climate change adaptation. The plan may also demonstrate how the proposals will relate to the existing character and communities of the local area and how connections can be made between people and green infrastructure for health and wellbeing.

Adoption of the second requirement would go a long way to securing the wider objective of the NPPF; achieving sustainable development. It would also have the benefit of drawing together many of the policy objectives set out in the draft, which are currently presented as separate.

(ii) Natural Environment White Paper

The draft NPPF does not sit comfortably with some of the excellent thinking contained within the recently published Natural Environment White Paper (NEWP). For example:

“The Government wants this to be the first generation to leave the natural environment of England in a better state than it inherited. To achieve so much means taking action across sectors rather than treating environmental concerns in isolation. It requires us all to put the value of nature at the heart of our decision-making – in Government, local communities and businesses.” – para 2, page 3, NEWP.

“Through reforms of the planning system, we will take a strategic approach to planning for nature within and across local areas. This approach will guide development to the best locations, encourage greener design and enable development to enhance natural networks. We will retain the protection and improvement of the natural environment as core objectives of the planning system.” – para 6, page 3, NEWP.

In June 2011, the UK National Ecosystem Assessment (UK NEA) was published by DEFRA. It revealed that nature is worth billions of pounds to the UK economy. The report effectively makes the case for protecting and enhancing the environment and, we believe, should be used as evidence to inform planning policy. Defra’s website states:

“The report strengthens the arguments for protecting and enhancing the environment and will be used by the government to direct policy in future” This commitment has not been carried through into the draft NPPF representing a missed opportunity for land use planning reform.

Greater consideration of environmental policy in a revised NPPF would result in:

- Delivery of NEWP objectives;
- A greener Government; and
- A more sustainable approach to development.

The LI believes that a revised NPPF should properly reflect the commitments made in NEWP and the UK NEA.

(iii) European Landscape Convention (ELC) and Landscape Character Assessment (LCA)

The draft NPPF fails to enact Article 6 of the ELC which requires signatory states:

- *to identify its own landscapes throughout its territory;*
- *to analyse their characteristics and the forces and pressures transforming them;*
- *to take note of changes; and*
- *to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.*

LCA is a well-established and useful tool that provides a means of identifying, mapping and describing landscape character types and areas at a range of spatial scales. It incorporates biodiversity, heritage and other issues that contribute to sense of place, identity and local distinctiveness. LCA has an important role to play in identifying ‘ordinary’ landscape that is perhaps locally distinctive and important to communities, as well as landscape that is of national or international importance. It is also a tool that can help assess and monitor change as well as evaluate the type of development that would be appropriate in any given location. This would accord with the landscape-scale approach to land use that is advocated in the Natural Environment White Paper and is entirely compatible with the localism agenda.

An LCA is an essential tool for each local planning authority. It does not prevent or restrict development, but it ensures that development can be considered within the context of the landscape, so that informed decisions can be taken on siting and amelioration of potential impacts and locally valued landscape and townscape character will be respected.

The NPPF also fails to reflect the following additional articles of the ELC:

- Article 1 (definitions of landscape and associated terms)
- Article 5b (implementing policies for landscape protection, management and planning),
- Article 5d (integrating landscape into town planning and other relevant policies)

The LI believes that a revised NPPF should:

- Recognise the existence of National Character Areas as providing an objective record of the landscape of the whole of England; and
- Make explicit reference to the importance and desirability of a LCA for each local plan.

(iv) Sustainable development

The way in which sustainable development is articulated in the NPPF is incompatible with the established definition. The presumption in favour of sustainable development is neither balanced nor workable.

We propose that the NPPF should use the definition contained within the UK Sustainability Strategy of 2005, which sets out the five guiding principles in achieving sustainable development as:

- Living within environmental limits;
- Ensuring a strong, healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance; and
- Using sound science responsibly.

These guiding principles have been used elsewhere in recent Government publications, for example, Defra's *Guidance for risk management authorities on sustainable development in relation to their flood and coastal erosion risk management functions* (October 2011).

For sustainable development to be achieved, all the components of sustainable development should be given equal weight – at present the draft NPPF places an undue emphasis on immediate economic considerations and does not adequately acknowledge that long-term economic prosperity depends on safeguarding our environmental and cultural assets.

Lack of clarity on the subject of sustainable development is likely to result in lengthy arguments between lawyers in planning appeals, thus delaying development.

A more balanced approach to sustainable development would ensure that Government planning reform and environmental policy can be more closely integrated.

(v) Supplementary Planning Documents

The LI is concerned that the draft NPPF suggests that *"Supplementary Planning Documents (SPDs) 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."* – para 21, page 7.

The LI believes that the revised NPPF should remove reference to the relative necessity of SPDs from the NPPF and support the use of SPDs as a means of improving the efficiency and quality of local

decision-making. Our detailed proposals in this regard can be found in response to question 2b, on pages 7 and 8.

Consultation question response

Delivering sustainable development

1a. The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

Strongly disagree

1b. Do you have other comments?

Paragraph 9

The LI believes that, if left unresolved, the lack of clarity surrounding the definition of sustainable development could result in protracted arguments between lawyers in planning appeals, thus delaying development. The ‘presumption in favour of sustainable development’ will form the basis of the operation of the planning system, and the question of what is, and is not, ‘sustainable development’ is the key issue for the NPPF to address.

Paragraph 10

‘Planning for prosperity (an economic role)’ fails to acknowledge the importance of high quality architectural, landscape and urban design in creating towns and cities that will attract employment and investment. It also fails to build on the promising thinking outlined in the Natural Environment White Paper, for example:

“Sustainable economic growth relies on services provided by the natural environment, often referred to as ecosystem services” – para 8, page 4, NEWP.

“We will put natural capital at the centre of economic thinking and at the heart of the way we measure economic progress nationally” – para 11, page 4, NEWP.

Paragraph 13

This paragraph implies that economic growth is the primary aim of the planning system. The LI considers that some key messages, about finding the right balance in the face of inevitably conflicting interests, have been lost. Clarity is needed on what constitutes sustainable economic development and how it should be assessed.

The NPPF is a statement of Government policy that must be seen to be transparent and demonstrably fair. For sustainable development to be achieved, all the components of sustainable development must be given equal weight. To promote one over the other two seems inherently unsustainable; after all, the DCLG website states that *“The planning system helps to ensure that development takes place in the public interest, in economically, socially and environmentally sustainable ways. It has a major impact on how local neighbourhoods look, feel and function”*.

Paragraph 14

The LI strongly recommends that a consistent, simple and robust test for sustainable development is introduced in the NPPF, so that planning authorities, landowners and local communities have a clear understanding of whether a certain form of development is likely to obtain planning permission. A

reasonable level of detail will be required to inform the preparation of local plans and, equally importantly, to inform planning decisions where no up to date plan is in place.

The LI suggests that the three bullet points should each be extended to insert the proviso that ‘such proposals accord with national planning policy and have been designed and assessed in accordance with any relevant statutory requirements and in accordance with recognised best practice where appropriate’.

The paragraph following the bullet points makes reference to refusal where adverse impacts significantly and demonstrably outweigh the benefits. This phrase is too vague to be of any value in planning decisions.

The LI suggests that the requirement for significance to be assessed and adverse impacts to be demonstrated should refer to the Environmental Impact Assessment (EIA) process or, where a full EIA is not required, to a form of assessment suitable for the proposal in question.

Paragraph 15

In the UK, Strategic Environmental Assessment (SEA) is inseparable from the term ‘sustainability’. This is not a casual planning requirement: it is a statutory requirement under the European Directive on Strategic Environmental Appraisal (85/337/EEC, known as the EIA Directive). As such, an SEA must be carried out for all draft plans as part of a wider Sustainability Appraisal (SA), which includes social and economic factors in addition to environmental.

Paragraph 16

It is not necessary to refer to the EU Birds and Habitats Directive in the NPPF; it would be helpful for the NPPF to provide a list of the most relevant legislation and statutory guidance in an Appendix.

Paragraph 18

The LI suggests that the statement “development should be of good design and appropriately located” needs to be re-worded “high quality design”. It would be helpful if this were then cross-referenced to the later section (paragraph 114), where high quality design should be clearly defined.

Paragraph 19

Throughout the NPPF there are references to sustainability principles and the document would benefit if these could be captured in this single place to influence plan-making and decision-taking.

The LI considers that, in general, the provisions in the bullet points in paragraph 19 are commendable and should be supported. However, the second bullet point needs to emphasise that planning is an evidence-based process.

The fourth bullet point is confusing; it requires the ‘potential environmental quality’ of land to be taken into account in considering the future use of land. Any piece of land can be improved in quality given sufficient time and resources. The LI would suggest the following as a possible alternative:

“In considering the future use of land, planning policies and decisions should seek to avoid or otherwise mitigate adverse effects on existing and potential environmental quality, capacity and character and promote outcomes that result in improvements to the quality and character of an area.”

With regards the sixth bullet point, the draft NPPF has omitted the important priority that has been given, for many years, to the re-use of previously developed land. The regeneration, redevelopment or restoration of derelict, vacant and under-used land or buildings would in most cases be a good

example of sustainable development. The LI considers that, throughout the revised NPPF, the re-use/redevelopment of existing brownfield land should be promoted. The policy has been a very effective way of reducing urban sprawl onto greenfield sites and should be re-introduced into the revised NPPF.

The LI welcomes the reference to multiple benefits from the use of land, but would advocate a green infrastructure approach as the best, and most sustainable, way of achieving this. As such, the LI suggests the following as an alternative to the current text:

“Planning policies and decisions should make effective use of land, promote mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas, recognising the principle of green infrastructure that networks of open space can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).”

Plan-making

2a. The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

Disagree

2b. Do you have other comments?

Paragraph 21

The LI disagrees strongly with the statement that Supplementary Planning Documents should only be used to accelerate development and must not be used to add to the financial burdens on development. For example, developers might argue on this basis that any locally produced policies or standards relating to design, character, landscape provision, tree retention and planting and landscape aftercare add to financial burdens and are not directly relevant or necessary to achieving the primary objectives of the development (e.g. in housing provision). The setting of such standards through local policies is a key function of SPDs and provides an important opportunity for local communities to influence the quality of new development and preserve and promote local distinctiveness. This is also entirely consistent with the provisions of the Localism Bill.

The need for such local SPDs is likely to be increased by the proposal to remove detailed national and regional topic-based policy and guidance which currently provides a common reference for planning policies, development proposals and decisions. In accordance with government guidance, current and emerging local development documents will have avoided repetition of policies set out in national or regional policy. The replacement of the higher level policy, and accompanying detailed guidance, with the less detailed proposals of the NPPF will create at best uncertainty and, at worst, a vacuum. The consequence of this could be a proliferation of locally-drafted policies and guidance which would not achieve the objectives of simplification or better understanding of planning requirements, unless the positive and appropriate use of SPDs is adequately promoted.

The role of SPDs is important at a local level in providing, for example, locally derived topic or area based guidance on matters such as landscape and townscape characterization (based on Natural England and English Heritage guidance), design principles, local area regeneration proposals and environmental strategies (e.g. green infrastructure, landscape, biodiversity, tree population management, etc.). Some of the proposed requirements set out in the draft NPPF may necessitate, or

be best served by, SPDs which provide further detail to support overarching policies, for example the need to identify suitable areas for local-carbon or renewable energy sources. Reference to these positive and locally relevant aspects of SPD publication should be provided in the revised NPPF. As such, the LI recommends the following amended text for paragraph 21:

“Supplementary planning documents should ~~only be necessary~~ produced where ~~their production~~ they support better-informed decision-making and help facilitate sustainable development, by providing policies, information and guidance that will inform development proposals and decisions of locally relevant and significant considerations, without adding disproportionately to financial burdens on development. ~~and must not be used to add to the financial burdens on development.~~”

Paragraph 23

The LI is concerned that the reference to climate change mitigation and adaptation is bundled together with other environmental issues as a separate, fifth strategic priority. The LI considers that this issue is of such importance that it should be given an over-riding consideration that informs and affects all the other priorities included in paragraph 23. It should therefore be given greater prominence as a first and discrete bullet.

Paragraph 24

We support the requirement to identify land which needs to be protected because of its environmental or historic value, but recommend that an additional policy should require identification of classes of assets or features that will be subject to local policies and that may be referenced separately (for example in a SPD).

This should apply to trees generally and, more particularly, to local heritage assets, sites of importance to nature conservation (SINCs), green infrastructure assets, local landscape or townscape character areas. This will highlight the need for special care to be taken in respect of types of feature (e.g. established / significant trees) when planning or designing for new development.

The LI therefore recommends the following addition to the list of principles surrounding Local Plans:

Include policies that identify local geodiversity, biodiversity and heritage assets and features, including trees, that are subject to special consideration in decisions on development proposals.

We also support the requirement for local plans to contain a clear strategy for the environmental enhancement of an area. This would benefit from further clarification and should be based on objective assessments. The wording in the draft NPPF is somewhat vague and open to interpretation, which could result in a low common denominator being applied in some cases. We recommend the following revised wording:

Contain a clear strategy for environmental management and enhancement of the plan area, which should address green infrastructure, geodiversity, biodiversity, landscape character and tree populations.

With regards this paragraph, please note our response under paragraph 34 which refers to Sustainability Appraisal.

Paragraph 26

The LI wishes to see transitional arrangements introduced with respect to existing national policy and guidance, as set out in relevant PPGs, PPSs, Circulars and accompanying guidance, to enable local planning authorities to continue to refer to these where relevant, until such time as a new local plan

or new national guidance on the relevant topic has been adopted. This would apply in particular to the requirements relating to open space under PPG17, and references to the importance of landscape character assessments within PPS7.

The LI wishes to see transitional arrangements relating to adopted LDF documents, particularly those concerned with design guidance and environmental, landscape, townscape and tree strategies. Where these are in place or in an advanced stage of progress towards adoption, they should carry considerable weight as material considerations, unless they are in direct conflict with the NPPF's principles of sustainable development. Local planning authorities that have followed good practice and already have Core Strategies and associated plans in place should not be disadvantaged for having done so.

Paragraph 27 (and also paragraphs 34 – 36)

The LI wishes to see clear references added in respect of a proportionate evidence base to environmental assessments as referred to above. These would typically include landscape and townscape character assessments (as required in PPS7 and as informed by guidance from NE, EH and the LI), green infrastructure strategies (in accordance with proposals from Natural England, Environment Agency, Landscape Institute, TCPA and the NPPF Impact Assessment), tree population strategies (as recommended by Forestry Commission) and open space audits / assessments (as set out in PPG17), biodiversity assessments (as supported by Natural England).

Paragraphs 36 and 42

The proposed deletion of national PPS and PPG documents and accompanying guidance and the abolition of RSS will result in information gaps in Local Plans which will need to be addressed e.g. by retaining relevant parts of national guidance e.g. PPS1 (design and climate change), PPS7 (landscape character) and PPG17 (open space typologies and audits), and RSS (green infrastructure networks); or by allowing transitional arrangements while Local Plans are revised or by incorporating more detailed policies in the NPPF.

Paragraph 34

The reference to sustainability appraisal should not be under the heading of environmental assessment. It must be applied to the plan as a whole and is therefore equally applicable to all the other headings from 27 to 38 inclusive. It would be more appropriate to include it under S.24 as:

"...be accompanied by a Sustainability Appraisal which should consider all significant environmental, economic and social impacts and incorporate the requirements of Strategic Environmental Assessment."

Joint working

2c. The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

Disagree

2d. Do you have other comments?

Paragraphs 28, 30, 31, 32, 34, 35, 36, 37, 38 and 44-47 inclusive

The duty to co-operate and the requirement for planning strategically across local boundaries is of particular importance when planning for green infrastructure, which is likely to be relevant, in varying degrees, to all the strategic priorities set out in the NPPF.

As the NPPF Impact Assessment points out, the provision of green infrastructure is an area that is unlikely to be provided through the market and it will therefore require intervention, supported by national policy. Delivery of strategic, multi-functional green infrastructure will, in most cases, depend upon local authorities, other organizations, interests and agencies working together. The Duty to Co-operate will go some way towards meeting the need for joint working, but will need to be reinforced further through local planning policy to embrace public and private sector interests that fall outside this duty.

Decision-taking

3a. In the policies on development management, the level of detail is appropriate.

Disagree

3b. Do you have other comments?

Paragraph 54

The LI recognises the government's emphasis on the benefits of economic and housing growth, and, to this end, fully supports the objective of approaching development proposals positively. However we cannot agree that it is the role of the planning system to imply that greater weight should be placed on economic and housing benefits than on the other social and environmental aspects of sustainable development. The LI therefore considers that the second bullet point should be omitted.

Paragraphs 56-61

The LI supports the emphasis on front-loading of consultation, setting out of information requirements and early decisions on the principle of development.

The LI is concerned that where inadequate information is supplied, recent CLG guidance (March 2010) – also referred to in page 9 of the NPPF Impact Assessment – is that a planning application should still be registered as valid. This is unworkable. In such cases, the presumption in favour of sustainable development within the NPPF may place an unacceptable burden on the local authority to attempt to research the information itself (for example, carrying out habitat assessments or tree surveys) or, more perversely, result in grants of planning permission, based on wholly inadequate information that lead to unsustainable forms of development.

Paragraph 59

The LI strongly supports the need for information requirements to be agreed between Local Planning Authorities (LPAs) and developers to streamline and better inform decision making. To this end, the LI wishes to see the NPPF provide more detail on the types and standards of information that would be expected.

The LI recommends strongly that the NPPF should state that information accompanying planning applications should include in all cases, Design and Access Statements (proportionate to the scale and impact of the development and including reference to climate change and energy efficiency implications) and, as relevant, implications for existing trees, landscape and visual impact assessment

and design proposals for landscape or external space treatment – all at a level proportionate to the scale and potential impact of the development and the stage of the application proposals.

The LI considers that it is important for the NPPF to explicitly reinforce the role of trees as a material consideration in planning, and the duty placed on LPAs by S.197 of the 1990 Act. The draft NPPF is silent on trees, other than references to ancient woodland, aged or veteran trees.

The need to provide information on trees on or affected by development sites, based on a survey in accordance with BS5837, is commonly requested by LPAs prior to consideration of proposals. Specific reference in the NPPF to the need for this, where appropriate, would assist developers, local authorities and community interests by setting out the general principle of taking trees into consideration when preparing development proposals.

Paragraph 65

The LI is very concerned that, according to the Localism Bill, no part of S.197 of the 1990 Planning Act shall be applied to Neighbourhood Development Orders and that these will, following adoption, override local plans. This poses a direct threat to tree retention, protection and planting.

The LI would therefore seek a policy to be added to the NPPF setting out a requirement for *any* development to provide evidence demonstrating the consideration of impact on existing trees and the opportunity for new tree planting.

Paragraph 67

Contributions from planning obligations should allow for the maintenance of landscape for an appropriate period of time after completion of the development. Plants and trees are live, organic elements that are dependent on aftercare and maintenance for their growth and establishment. As such, they represent a special case in the planning system – which is generally concerned with built structures or changes of use (which are subject to separate regulatory requirements).

The survival and quality of soft landscape provision is therefore often reliant on planning controls and financial provisions made via the Community Infrastructure Levy or planning obligations. It is essential that the delivery of the approved design objectives should be enforceable in a practicable way – this would normally require a planning obligation.

Paragraph 69

Planning conditions have a similar special role to play in respect of landscape and trees. Circular 11/95 remains a highly relevant source of good practice advice in these respects and the LI wishes to see both the relevant guidance and model conditions therein retained and a continuity of their use and application by local authorities.

4a. Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

Neither agree or disagree

4b. What should any separate guidance cover and who is best placed to provide it?

Developers, local authorities and communities will look for good practice guidance on a number of specialised topics, particularly if existing central government guidance is to be withdrawn. It would be helpful if existing guidance contained within PPGs and PPSs were retained in some way and developed into guidance to assist these groups.

For example, PPG17 provides the basis for local authorities to carry out open space audits and provides helpful guidance on methodologies for this. References in PPS7 to landscape character can provide a sound basis for sustainable development in the countryside and promotion of the rural economy. The principles of sustainable development, as contained within PPS1, provide useful references to climate change and the promotion of high quality design for both buildings and spaces.

There is further detailed guidance of relevance to landscape matters in other PPSs, notably PPS3, PPS5, PPS9 and PPS25, which the LI wishes to see retained. Companion guidance to these documents and other published and government-supported references such as By Design, Manual for Streets and Eco-town worksheets are of great value in informing sustainable development.

There are clear advantages in establishing national standards for reference and guidance on matters such as trees, landscape, green infrastructure, renewable energy, climate change adaptation and mitigation amongst others and for these to be objective, comprehensive, current and authoritative. Such guidance provides for consistency of application, providing greater certainty for developers and reducing costs for decision-makers. The alternative approach of different local authorities producing their own individual guidance is costly, inefficient and potentially less well-informed or, at worst, misleading or out of date. Some local authorities may find it impractical to produce guidance on some technical matters, leading to gaps in knowledge or reliance on ad-hoc sources.

The LI would welcome the opportunity to contribute to the preparation of good practice planning guidance on landscape, green infrastructure and associated matters.

The professional bodies associated with development (e.g. RIBA, RTPI, LI, RICS, ICE, etc.) and national agencies such as English Heritage, Forestry Commission, Natural England and the Environment Agency might be commissioned to prepare and maintain appropriate documents. They may also be able to provide peer review and monitoring of guidance procured from independent organisations/authors. In any case, such guidance should be commissioned, endorsed and promoted by DCLG to obtain the benefits of a standardised and common approach and wide access and use.

Business and economic development

5a. The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.

Disagree

5b. Do you have other comments?

Paragraph 73

The principles set out in paragraph 73 fail to acknowledge the role of high quality design as a means to create economic wealth. High quality urban design, architecture and public realm creates places that boost local pride and attract people to live, visit and work.

6a. The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

Disagree

6b. Do you have other comments?

Paragraph 76

The LI believes strongly that this paragraph would benefit by including the following bullet points:

- *“Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites and encourage the reuse of existing buildings and space above shops.”*
- *“Recognise the value of good urban design in creating places that people will want to visit repeatedly. Good urban design responds to the physical and historic context of a town centre and the current and emerging needs. The economic value of a high quality public realm that encourages activity is an essential aspect of the town centre.”*

Transport

7a. The policy on planning for transport takes the right approach.

Disagree

7b. Do you have other comments?

Paragraph 82

Transport policies have an important role to play in facilitating development in contributing to wider sustainability and health objectives *and in developing the character of all development*. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

Paragraph 84

It is important to recognise the impact that the design of streets has on sustainable communities and the important role that movement systems have as a multifunctional contributor to sustainable communities, not only providing movement modes that reduce our carbon footprint – promoting public transport cycling and pedestrian movement over private vehicles – but also supporting principles of ‘green infrastructure’ that affect water management, reduce heat islands, improve biodiversity, contribute to clean air etc.

The LI suggests the addition of the following bullet point:

To this end, the objectives of transport policy are to:

“Support high quality design development that adequately addresses the complex relationship between access, convenience (including public transport, cycling walking servicing and parking) and pedestrian priority.”

Communications infrastructure

8a. Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

No comment.

8b. Do you have other comments?

No comment.

Minerals

9a. The policies on minerals planning adopt the right approach.

Neither agree or disagree.

9b. Do you have other comments?

The Landscape Institute would wish to see the NPPF retain the emphasis, as currently detailed in MPS1, on the protection of sensitive areas of landscape or biodiversity value, unless there are demonstrable and over-riding public interests or national considerations, and on a very high standard of landscape restoration being required in all cases following extraction of minerals.

Housing

10a. The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

Strongly disagree

10b. Do you have other comments?

The section needs to have a focus on development in cities and towns where the majority of our population lives and is moving towards. It should encourage 'smart growth' in locations that have the best transport connections, access to facilities, amenities, including high quality open space, and workplaces.

The relationship between high quality, well designed homes that respond to the physical, economic and historic context and provide a significant contribution to sustainable communities must be developed in the section.

The reuse of existing brownfield land must continue to be a focus for development.

Paragraph 107

The LI recommends that the paragraph should also include reference to places as well as homes, so as to read:

"The Government's key housing objective is to increase significantly the delivery of new homes. Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in safe places of high quality design where they will want to live..."

Paragraph 111

The LI recommends the addition of the following bullet points:

“Ensure new housing meets minimum sustainability (to be agreed), room size (to be agreed) and inclusive access standards; and is of good design (which could cross refer to the section on design).”

“Homes must be designed to meet the Sustainable Code for Homes criteria and the layout of the areas must satisfy the Building for Life Gold criteria.”

11a. Planning for schools

The policy on planning for schools takes the right approach.

Disagree

Do you have other comments?

The LI is uncertain as to why this consultation question relates to planning for schools when this only plays a small part of the section on sustainable communities.

Paragraph 124

The NPPF will be read by members of the public (in particular) and by developers, not all of whom may know of or understand the statutory and legislative processes that underpin planning and the processes by which the planning system works. Therefore the NPPF should avoid ambiguity, as far as possible.

The LI considers that there must be a clear cross reference to the Localism Bill. Bearing in mind the objectives of this Bill, the LI strongly supports the NPPF objective to create sustainable communities.

However the first sentence of paragraph 124 would benefit from the addition of *“by creating genuine mixed-use neighbourhoods with a high (rather than good) quality built environment...”*

The wording of the bullet points is weak and vague. The LI suggests the term ‘medical facilities’ be used rather than hospitals. ‘Right’ is an odd word to use, does it mean adequate, suitable, appropriate or something else?

The planning system does more than regulate the built environment, community facilities and open space. The NPPF omits to mention the need for:

- A range of housing, including affordable housing, in sustainable locations;
- A mix of land uses to provide local employment and key services;
- Public transport services and alternatives to the use of cars;
- Infrastructure to be delivered before development commences; and
- Green infrastructure to provide connections between people, wildlife and open space.

The LI believes that it is vital that planning policies and decisions should be aligned with the planning and delivery of associated infrastructure, including physical, social and green infrastructure to promote compact, livable neighbourhoods.

The LI considers that these are all essential components of sustainable communities.

Reference should be made to the Natural Environment White Paper, which provides further detail about the value of green infrastructure and the contribution of public parks and other open spaces to public health, wellbeing and the sustainability of communities.

Generally the LI supports the sections on sustainable communities paragraphs 125 to 127. We suggest that the whole section should encourage planning to take a “proactive, positive and collaborative” (paragraph 127) to the development of all community facilities and key services, not just schools.

Paragraph 129

The LI suggests the addition of a bullet point here which could read:

“Unless the space will be replaced elsewhere within the same neighbourhood”.

Design

12a. The policy on planning and design is appropriate and useful.

Agree

12b. Do you have other comments?

Generally, the policy on planning and design is appropriate and will be useful to local communities, planning authorities and developers. There are however some issues which, if resolved in the redrafting of the NPPF, would result in a very strong chapter on design.

The revised NPPF should recognise the requirement for most developments that a Design and Access Statement be produced. This is where the developer will demonstrate how their design works and is therefore essential in considering whether the design is of suitable quality and sustainable.

Paragraph 116

The LI strongly supports the requirement that policies should be based on ‘understanding and evaluation of an area’s present defining characteristics’. Landscape and townscape character assessments are one important means of achieving this, if robustly undertaken and adopted as SPD. This point relates back to our response to paragraph 21 (see page 7).

Bullet point three states that developments should “respond to local character and reflect the identity of local surroundings”. The LI feels that the word ‘reflect’ could stifle innovation and replacing this with ‘respect’ would be a more workable approach.

With regards the final bullet point, the word ‘landscaping’ has no recognised meaning in the planning system. We therefore suggest that this bullet point should be reworded to read:

“...are visually attractive as a result of good architecture, and good landscape urban design.”

Paragraph 120

The LI considers that Design Review is a valuable tool for help achieve high standards of design, but the more fundamental necessity is for LPAs to have access to appropriate professional design advice, which can be achieved in different ways.

LPAs should be encouraged to employ as many different mechanisms as they find useful in their own area to help them achieve high quality design. Most LPAs do not currently have local design review

arrangements in place. Those that do tend to rely on volunteer input from design professionals, and in the current difficult economic climate it is inevitably harder for professionals to give their time for free.

To move towards a position where every LPA had local design review arrangements in place will require additional resources. Since these are clearly not available from local authority budgets, in the absence of government funding they would have to come from an additional charge on developers, either through increased application fees or a separate levy. If this is not considered acceptable, it is questionable whether local design review, which is reliant on volunteer input from design professionals, can be made an absolute requirement on LPAs. The LI therefore suggests the following rewording:

“Local Planning Authorities must ensure they have robust mechanisms in place in order to achieve high standards of design, including access to appropriate professional design advice. Where LPAs do not have sufficient in-house design expertise, advice can be provided through local design review arrangements. Major projects should be referred as appropriate for national design review.”

Paragraph 121

It is unclear at what point a design becomes ‘obviously poor’? Both the functional and aesthetic aspects of any design need to be considered, with the weight given to aesthetics likely to vary according to location and context. The following alternative wording could resolve this issue:

“Permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions, or that is not well-designed.”

Green belt

13a. The policy on planning and the Green Belt gives a strong clear message about Green Belt protection.

Agree

13b. Do you have other comments?

Paragraph 133

In general, the LI supports the Green Belt policies in the NPPF. The LI considers it would be helpful if the NPPF could make it clear (as the accompanying impact assessment does) that the Green Belt is not an environmental designation, and that environmental issues associated with land within the Green Belt will be dealt with under other policies in the NPPF and in Local Plans. There are always material considerations, in addition to the inclusion of land within the Green Belt, that influence planning decisions about whether a proposed development will be acceptable or not.

Paragraphs 142/143

The NPPF makes it very clear that inappropriate development is by definition harmful to the Green Belt. It also needs to explain clearly, particularly for the benefit of local communities, what ‘very special circumstances’ are and how they will be assessed.

Paragraph 145

The LI suggests that the final bullet point *“development brought forward under a Community Right to Build Order”* may be interpreted as an opportunity for landowners/developers to influence community decisions about new housing development. It would be helpful if the NPPF could provide an indication of the scale, number or proportion of dwellings compared to the extent of the existing settlement, that would be acceptable under this category of ‘not inappropriate’ development in the Green Belt.

Paragraph 146

The LI supports the promotion of renewable energy projects in the Green Belt where they would provide wider environmental benefits.

Paragraph 147

Not all land outside the urban areas is Green Belt; the NPPF omits to provide any coherent policy guidance for extensive areas of countryside. For example, new settlements and eco-towns will be, by definition, within the Green Belt or open countryside.

The guidance contained within PPS7 provides a sound basis for sustainable development in the countryside and the promotion of the rural economy. The LI considers that the revised NPPF should maintain the long-established presumption in favour of sustainable development that respects local distinctiveness and continues to protect the open countryside of the benefit of all, with the highest level of protection for the most valued landscapes and environmental resources.

The LI’s suggestions are outlined in response to paragraph 163 which relates to the Natural Environment White Paper and the European Landscape Convention.

Climate change, flooding and coastal change

14a The policy relating to climate change takes the right approach

Strongly agree

14b. Do you have other comments?

Paragraph 148

The LI welcomes the commitment to the transition to a low carbon economy in a changing climate; this is the driver for all the policies in the NPPF. These sections on climate change, flooding and coastal change are possibly the most important elements of the NPPF and should be moved to the start of the document to set the context for all future planning policy and decisions.

The LI strongly supports all the bullet points in paragraph 148.

The second bullet point is very general and would benefit from an explanation as to how plans and policies should minimise vulnerability and provide resilience. The LI suggests *“all plans, policies and development proposals should incorporate measures to minimize vulnerability etc including the planning of green infrastructure”*. This would ensure consistency with paragraph 154.

The LI feels strongly that, in terms of the wider issues relating to climate change, flood risk and coastal change, and in the context of the Localism Bill, that developers, local authorities and communities will look to NPPF to provide guidance on a number of specialised topics. National guidance is essential to support these policies.

There are clear advantages in establishing national standards for reference and guidance on matters such as renewable energy, climate change adaptation and mitigation and green infrastructure, amongst others, and for these to be objective, comprehensive, current and authoritative. Such guidance provides for consistency of interpretation and application, providing greater certainty for developers and reducing costs for decision-makers. It should be commissioned, endorsed and promoted by DCLG to obtain the benefits of a standardized and regulated approach to these specialised and technical issues.

Paragraph 150

The LI supports the NPPF emphasis on reducing greenhouse gas emissions. Bearing in mind the role of the Natural Environment White Paper and green infrastructure in providing the context for local planning policies and decisions, the LI suggests the first bullet point could be expanded as follows:

“Plan for new development in locations and in ways which reduce greenhouse gas emissions, by integrating and aligning planning policies and decisions with the planning and delivery of associated infrastructure, including physical, social and green infrastructure, and with transport policies and plans to maximise the use of sustainable forms of transport, reduce the need to travel and reduce congestion.”

Paragraph 150

In general, the LI strongly supports the requirement for development that reduces greenhouse gas emissions and the construction of zero-carbon buildings, but is concerned that there is insufficient emphasis on low energy solutions to the on-going future management of developments.

Paragraph 151

This paragraph is in conflict with the sections on Design and on the Historic Environment which properly require local character and identity to be protected. The LI recommends this paragraphs should be deleted.

14c. The policy on renewable energy will support the delivery of renewable and low carbon energy.

Strongly agree

14d. Do you have other comments?

Paragraph 152

The LI considers that the identification of areas for renewable energy development should follow a robust methodology. The capacity of the landscape to accommodate development, particularly wind turbines, should be a key consideration.

14e. The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

No comment.

14f. Do you have other comments?

No comment.

14g. The policy on flooding and coastal change provides the right level of protection

Neither agree or disagree

14h. Do you have other comments?

Paragraph 154

The LI strongly supports the NPPF recommendation for green infrastructure to be incorporated into new development proposals.

The LI considers that there is a serious omission in NPPF in terms of water supply and water conservation. The need to balance the ever-growing demand for water with the need to maintain support for the environment, at a time of climate change and fluctuating rainfall, is essential.

Local authorities should be required to take into account the availability of water supplies, water quality issues, surface water drainage and sewage treatment capacity when making decisions about the creation of sustainable communities and the location of future development.

Paragraph 156

The LI supports the sequential, risk-based approach in NPPF, as this has been very well established by caselaw and precedent. The LI is concerned that the guidelines in PPS25 Flood Risk should not be lost as these provide the justification for strategic and local flood risk assessments.

The LI supports the suggestion in the Alternative NPPF that NPPF should strengthen the restrictions on development in areas of high flood risk, by introducing a clear prohibition as follows: "Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted."

Paragraph 157

The second bullet point requires development "to give priority to sustainable drainage systems". In the interests of clarity, LI suggests that the revised NPPF would benefit from a separate paragraph explaining the necessity for SuDS, as follows:

"Sustainable Drainage Systems (SuDS) include a range of sustainable approaches to surface water drainage management that are intended to mimic natural drainage systems and encourage infiltration into the ground rather than allow uncontrolled surface water run-off that could increase the risk of flooding elsewhere."

Natural and local environment

15a. Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

Disagree

15b. Do you have other comments?

Paragraph 163

Land is a finite and valuable natural resource. There will always be conflicts between different parties considering its future use and management. The NPPF is the one document to which everyone will turn to seek guidance as to how these conflicts should be resolved.

The LI is very concerned at the document's failure to demonstrate any real understanding of which landscapes are 'valued', what they are valued for and by whom. The protection of the natural environment is not simply a matter of protecting a few so-called special landscapes, safeguarding biodiversity and overcoming various forms of pollution, as described in paragraph 164.

Landscape is everywhere. It is a fundamental and essential component of sustainable development, providing the spaces and places where people live work and visit, including the urbanised areas of towns, cities, coastal and marine areas, performing a multitude of functions to support our quality of life.

Links to other Government policy documents should be emphasized – including the Natural Environment White Paper (NEWP). The LI is concerned that this is a significant omission, as the NEWP sets out the Government's commitment to various initiatives, many of which will need to be incorporated in, or be considered to, in the preparation of local plans. If sustainable development is to be achieved then it is essential that environmental issues and initiatives as identified in NEWP are incorporated into the planning process.

The LI suggests that the NPPF should also address some of the key themes of the European Landscape Convention (ELC) which came into force in the UK in March 2007, including the preparation of Landscape Character Assessments and objectives, with an emphasis on local distinctiveness in planning and design. The NPPF should recognize the existence of National Character Areas (as identified by the then Countryside Commission in the 1990s) as providing an objective record of the landscape of the whole of England.

The ELC defines landscape as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors". Specific duties are placed upon signatories. Article 5, for example requires signatory states:

- To establish and implement landscape policies aimed at landscape protection, management and planning
- To establish procedures for the participation of the general public, local and regional authorities and other parties with an interest in the definition and implementation of such landscape policies.
- To intergrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies as well as in any other policies with possible direct or indirect impact on landscape.

Landscape Character Assessment (LCA) is a well-established and useful tool that provides a means of describing/identifying the countryside as well as urban and marine areas and incorporating biodiversity, heritage and other natural and cultural influences. It has an important role to play in identifying 'ordinary' landscape that is locally distinctive and important to communities as well as landscape of national and international importance. LCA can be used to help evaluate and identify the type of development that would be suitable to any given locality. This would accord with the landscape-scale approach that is recommended in the Natural Environment White Paper (paragraphs 23 and 24 of Annex 2 to the NEWP) and be entirely compatible with the localism agenda.

Paragraph 164

The first bullet point makes reference to the protection of valued landscapes. The subsequent Valued Landscape section (paragraph 167) makes reference only to biodiversity/green infrastructure networks, the undeveloped coast, best and most versatile agricultural land and to statutorily designated landscapes. This excludes large areas.

For consistency, the policies relating to open space and recreation (paragraphs 128 and 129) and Local Green Space designation (paragraphs 130 and 131) could be moved into this section as the designation clearly relates to smaller areas that are valued locally. The NPPF should provide cross-referencing back to the section on sustainable communities.

Footnote 12 refers to SSSIs which, with SNCLs, European Wildlife (Natura 2000) sites, BAP sites and Tree Preservation Orders, are missing from the NPPF, though SPAs, SACs and Ramsar sites are mentioned. The revised NPPF needs to be more consistent in the way it deals with these international, national and local designations.

Paragraph 167

The LI considers that the first bullet point, relating to a strategic (green infrastructure) approach to local plans, should emphasise the value of restoring and creating networks and connections between isolated natural areas so that, overall, development should make a net positive contribution to biodiversity. The first bullet of paragraph 167 should be cross-referenced to the Natural Environment White Paper which provides a clear definition of GI, but which should be strengthened to include multifunctional land use, underpinned by ecosystem services.

The third bullet point of paragraph 167 appears to be a hangover from existing policy and should be updated. Local authorities have a duty to have regard to the statutory purposes of designated landscapes, when performing functions that may affect land within them. In some instances these purposes can be affected by development outside the designation boundary (which would affect land within the designated area).

Paragraph 168

The LI considers that it is not just in terms of biodiversity and geodiversity that planning policies and decisions should be made at the landscape-scale. The LI supports the principles expressed here about geological networks and priority habitats but suggests that this paragraph needs to be expanded to incorporate the fundamental concept of green infrastructure.

The LI agrees that GI includes ecological networks and priority habitats, but it also encompasses all the connections between open spaces, parks, recreation areas, allotments, sports fields, transport corridors, agricultural land, hedgerows, trees, woodland, forests, streams, rivers, lakes, coastal, marine and valley landscapes that provide a strategic and spatial framework for local landscape planning. The LI wishes to emphasise that the contribution of properly planned GI networks to achieving many of the policies for sustainable development contained within the NPPF should not be underestimated.

Paragraph 169

Unfortunately this paragraph reinterprets and 'simplifies' EU guidance on environmental assessment so that it is inaccurate and misleading. The LI considers that the most up to date and accurate scientific information is crucial to good decision making in relation to biodiversity, particularly where formal assessments are required (such as EIA, Birds and Habitats Regulations Assessment and Flood Risk Assessment).

The LI is very concerned with the first bullet point which suggests that, as a last resort, biodiversity can be compensated for. The Habitats Directive Article 6 (from which this process appears to be derived)

allows for assessment of compensatory measures only where “in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed”. The revised NPPF should introduce the concept of “IROPI” and set out the very limited circumstances in which it may apply. The NPPF also needs to provide guidelines to advise how compensation proposals should be objectively and robustly assessed.

Historic environment

16a. This policy provides the right level of protection for heritage assets.

Disagree

16b. Do you have other comments?

Paragraph 183

The LI believes that the criteria (‘exceptional’ and ‘wholly exceptional’) for allowing substantial harm or loss of designated heritage assets are too weak and open to interpretation. More detailed guidance is required. Harm or loss of any designated heritage asset should not be permitted unless there is a clear and over-riding public interest justification.

Paragraph 184

More detailed guidance is required, for example in respect of the definition of ‘reasonable uses of the site’ (first bullet point) and ‘the medium term’ (second bullet point).

Paragraph 185

It should be made clear that the conservation of non-designated heritage assets is a fundamental component of sustainable development and not something separate. Development that harms irreplaceable heritage assets, designated or otherwise, is not sustainable.

Paragraph 187

Damage or harm as well as loss needs to be addressed. The LI suggests a second sentence be added:

“Similarly, damage or harm to a building or other non-designated heritage asset that makes a contribution to a designated heritage asset should be treated as harm to the designated heritage asset, the degree of harm being in proportion to the relative damage or harm suffered by the non-designated asset.”