



Department for Communities and Local Government

**Government response to the Communities and
Local Government Select Committee Report:
National Planning Policy Framework**

March 2012

Cm 8322

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Presented to Parliament by the Secretary of State
for Communities and Local Government
by Command of Her Majesty

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Introduction

1. The Communities and Local Government Select Committee was invited by the Minister for Decentralisation to comment on the draft National Planning Policy Framework (the Framework), which was published on 25 July 2011 for consultation. The Committee published its report on 21 December 2011.
2. The Environmental Audit Committee (EAC) undertook a linked but separate inquiry into the extent to which the draft Framework reflects sustainable development principles. The EAC set out its conclusions and recommendations in a letter sent to the Chair of the Communities and Local Government Committee dated 9 November 2011. We set out the EAC recommendations and the Government's response at the end of this report.
3. The Government is grateful to both Committees for their detailed and balanced reports and recommendations, and has considered the points very carefully. The Government has been able to accept 30 of the 35 recommendations in whole or in part and would like to thank the Committees for their positive contribution which has helped to further strengthen the final Framework.

Committee conclusions and recommendations

4. Set out below are the Committee's recommendations and the Government's response, under the headings set out in the report.

How much planning guidance is needed?

CLG Select Committee recommendation 1: We welcome the fact that the Minister is receptive to specific suggestions for improvements to the NPPF. We consider that there needs to be a clear narrative at the start of the NPPF, stating: where planning policy has stayed the same, but has been simplified or summarised; where new policy has been introduced; where current policy has been changed or removed; and the relationship of the NPPF to other national policy documents, including National Policy Statements and the Natural Environment White Paper. There is no harm in increasing the length of the document moderately, if that results in a more comprehensive and less ambiguous document. (Paragraph 23)

5. The Government accepts this recommendation in part. We have amended the opening sections of the Framework to set out clearly the Framework's relationship with other statements of national policy including National Policy Statements and the Natural Environment White Paper. We have also made changes to provide certainty about the relationship between the Framework and the legal framework for planning set out in the planning acts.

6. As recommended, the Framework sets out in Annex 3 a clear and transparent list of the documents that it replaces. The Government has where possible acted on suggestions for improving the clarity of the Framework, but does not consider that it would be helpful or in keeping with the nature of the Framework to articulate the new policies by reference to existing policies in Planning Policy Statements, Planning Policy Guidance notes or other existing policy documents that have been cancelled on publication of the Framework. The Framework is written to be simple and accessible to non-specialists, and to reference each existing policy in every Planning Policy Statement, Planning Policy Guidance note or other existing document would make the Framework much less accessible and clear.

Clarity and terminology

CLG Select Committee recommendation 2: Brevity and simplicity are to be applauded in any document. However, we consider that the NPPF does not achieve clarity by its brevity; critical wording has been lost and what remains is often unhelpfully vague. If the NPPF is to be a document that assists with practical decision-making, rather than a lawyers' charter or an easy-to-read guide to the planning system, its drafting must be more precise and consistent, and sufficiently detailed to enable local authorities to write their own Local Plans. The Government should carefully consider the alternative drafts, submitted by many organisations as part of DCLG's consultation, in order to produce a tighter, clearer document, and should not make a fetish of how many pages it is. Examples of such words and phrases needing tighter definitions in the NPPF include: 'significant weight'; 'great weight'; 'substantial weight'; 'considerable weight'; 'significant flexibility'; 'a high degree of certainty'; 'sustainable economic growth'; 'absent'; 'silent'; 'indeterminate'; 'out-of-date'; 'certificate of conformity', 'where practical'; and 'where reasonable'. (Paragraph 29)

7. The Government welcomes the Committee's support for the objective of achieving a simpler and shorter national policy framework, and accepts the recommendation that the terms used should be as tightly defined as possible. The Government welcomes, and has carefully considered, the detailed comments and drafting suggestions submitted by the Committee and others as part of the consultation, and has amended the Framework to define terms wherever relevant and to be consistent in the description of the weight the Government attaches to policies.

Additional guidance

CLG Select Committee recommendation 3: At least until new guidance is produced, the continuing relevance and force of the body of current planning guidance under the NPPF needs to be clarified and secured. We recommend that once the NPPF is published, all guidance and

advice documents be reviewed by DCLG — in consultation with local authorities — item by item, so that the content of the documents that local authorities find operationally and technically useful can be retained for reference in some form, lest councils spend valuable time reinventing numerous wheels. New guidance produced by third parties or groups of practitioners should have government ownership, to ensure consistency of approach. (Paragraph 33)

CLG Select Committee recommendation 4: The Government's documents relating to the NPPF risk creating confusion. Any such ambiguities must be resolved within the document itself, as supporting statements made to explain or moderate its meaning are unlikely to remain reference sources in the years ahead. (Paragraph 37)

8. The Government accepts the Committee's recommendations that current underpinning guidance should remain in place when the final Framework is published to provide support to local planning authorities and other users of the planning system.
9. However, this Government inherited some 6,000 pages of such underpinning planning guidance produced over the years by the Department for Communities and Local Government and this needs to be reviewed and streamlined. The consultation on the draft Framework asked for views on what any separate guidance should cover, and who is best placed to provide it.
10. The Government will now embark on a new exercise to consider what underpinning guidance continues to be needed, involving practitioners and other interested parties. The outcome of this process will be an appropriate and easy to use set of guidance, focussing on issues that require national expression, to support implementation of the Framework. It will not always be the case that the guidance should come from Government – in some cases professional bodies may be the most appropriate bodies to publish guidance. The Government has been clear that until such time as the guidance review is complete, the existing guidance where relevant can still be used.

Policy topics not covered in the Framework

CLG Select Committee recommendation 5: We conclude that without lengthening the Framework excessively it should be possible for the Government to allay fears about a lack of detail and omissions from the NPPF, by cross-referencing other documents and by adopting a more inclusive definition of sustainable development. The revised NPPF should also reassure local authorities that they are permitted to take into account in their Local Plans issues that are not explicitly referred to in the Framework. (Paragraph 40)

11. The Government accepts this recommendation. We have considered carefully the definition of sustainable development in light of the

Committee's views and other responses to the consultation and have amended the definition to ensure that it refers to the balance between the social, environmental and economic dimensions clearly.

12. The Government agrees that it should be clear that Local Plans can reflect issues that are not explicitly referred to in the Framework. Consistent with this Government's commitment to putting locally led planning at the heart of the planning system through Local Plans, the Framework makes clear that "plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas".

CLG Select Committee recommendation 6: We do not support the change in the definition of affordable housing represented by the wording in the draft NPPF. We recommend that the current definition of 'affordable housing', contained in Planning Policy Statement 3, be reiterated in the draft NPPF to avoid any confusion. (Paragraph 41)

13. The Government does not accept this recommendation. The definition of affordable housing set out in the Framework is, in fact, based on the existing definition in Planning Policy Statement 3 and the substance of it is unchanged.
14. The Government does not accept the Select Committee's wider concern that the definition may lead to "affordable homes" that are not actually affordable to local people. We have amended the definition to be clear that eligibility for affordable homes should be determined according to local incomes. This was ambiguous in Planning Policy Statement 3.

CLG Select Committee recommendation 7: The NPPF should refer to the role of statutory consultees as a safeguard for community amenities, such as playing fields. We recommend also that the revised Framework should reinstate the requirement for equivalent or improved replacement sports facilities to be provided if they are lost to development, where a deficiency would otherwise result. (Paragraph 43)

15. The Government accepts this recommendation. Statutory consultees have an important role to play in ensuring that proposed development would not have unacceptable impacts. We have amended the Framework to be clear that, for their role in the planning system to be effective and positive, statutory consultees will need to take an early and proactive approach and provide advice in a timely manner throughout the development process.
16. On playing fields, Sport England are a statutory consultee under Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. In line with the Committee's recommendation, we have amended the Framework to ensure it is clear that a playing field should not be built on unless there is clear evidence that it is surplus to requirements, or the loss would be replaced by

equivalent or better provision in terms of quantity or quality, or the development is for an alternative sports or recreational provision the needs for which clearly outweigh the loss.

CLG Select Committee recommendation 8: The Government should review the NPPF as a whole, to check that there are no other relevant, specific issues that are either omitted or adversely affected by the changes in the Framework. (Paragraph 43)

17. The Government accepts this recommendation. We have carefully considered representations made to the consultation about areas where further clarity on specific issues would be justified. For example, the Government has clarified the policies on town centre development to reflect comments about the need to ensure continued strong protections for town centres as the heart of our communities and respond to the recommendations of the Mary Portas review of high streets.

Spatial planning

CLG Select Committee recommendation 9: There is evidence of concern that the draft NPPF is largely "placeless". While we recognise that it was never the intention of the Government to issue the draft NPPF as a 'spatial' plan, we consider that its impact and effectiveness would be improved if the possibility of differential impacts of its policies on different parts of the country were to be recognised in the Framework and that where a local authority seeks to recognise local variations, the NPPF encourages local authorities to ensure that there is a robust evidence base in place to justify these variations, and thus, that it serves the Government's stated intention to re-balance the national economy. (Paragraph 47)

18. The Government accepts this recommendation in part. The Government welcomes the Committee's recognition that it was never the intention to produce a 'spatial plan'. The Government is clear that local areas should be able to set local policies that reflect their local circumstances and enable them to respond to the different opportunities for achieving sustainable development in their areas. This is a core part of the Government's localism agenda.

19. The Framework is absolutely clear that a core principle is that planning should "be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency." We have amended the Framework to also be clear that planning should "take account of the different roles and character of different areas"

20. The Government accepts the recommendation that local planning authorities should have a robust evidence base in place to support the decisions they make. Reflecting consultation responses we have amended the Framework policies on evidence, where necessary, to clarify expectations, for example to clarify that local planning authorities should understand the need for educational infrastructure and that evidence relating to the environment should include the implementation mechanisms for the Water Framework Directive.

Conclusions on the definition of sustainable development

CLG Select Committee recommendation 10: Any new definition of sustainable development must contain the following elements: a) the clear and identifiable use of wording from the Brundtland report as this is well known and understood; b) the restating of the five guiding principles from the 2005 sustainable development strategy; and c) an explicit statement of the need to address and to seek to achieve all of the aspects of sustainable development, and not to start by assuming that one aspect can be traded off against another. (Paragraph 66)

CLG Select Committee recommendation 11: We consider that the definition of sustainable development must give a clear indication of what constitutes sustainable development, while encouraging local authorities to apply this definition to their own local circumstances and allowing them the scope to do so. (Paragraph 68)

21. The Government accepts these recommendations and has sought to respond positively to the comments and suggestions made through consultation about sustainable development. We have amended the Framework to make reference to both the longstanding Brundtland report and to the five guiding principles set out in the 2005 UK Sustainable Development Strategy.
22. The policies in the Framework reflect the Government's views of how the principles of sustainability should be applied in preparing local and neighbourhood plans and in making planning decisions. We have amended the Framework to be clear that the economic, social and environmental roles of the planning system should not be pursued in isolation, because they are mutually dependent. We have also been clear that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three.
23. We have also ensured that the Framework is clear that plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.

The presumption in favour of sustainable development

CLG Select Committee, recommendation 12: We agree with the Environmental Audit Committee that local planning authorities “need an NPPF which does not push them to regard [the] economic dimension as predominant”, and we consider that the NPPF, as currently drafted, does run this risk. We consider that it is reasonable and practical for the NPPF to have as an overarching principle a presumption in favour of sustainable development. However, the draft NPPF conflates the term ‘sustainable development’ and ‘sustainable economic growth’, thereby making the document unbalanced; the two terms are distinct and should be kept separate in the Framework. (Paragraph 75)

24. The Government accepts this recommendation in part and welcomes the Communities and Local Government Select Committee’s recognition that it is reasonable and practical for the Framework to have as an overarching principle a presumption in favour of sustainable development.
25. The Framework is clear that the purpose of planning is to contribute to the achievement of sustainable development. We have amended the Framework to be clear that the economic, social and environmental roles of the planning system that underpin the delivery of sustainable development should not be pursued in isolation, because they are mutually dependent. The Government is clear that there is no necessary contradiction between economic growth, a high quality environment and strong and vibrant communities.
26. The Government has looked carefully at the terminology used in the Framework in light of comments to ensure that the terms are consistent and are used appropriately.

Default ‘yes’ to development proposals

CLG Select Committee recommendation 13: The sentence “decision-takers at every level should assume that the default answer to development proposals is ‘yes’, except where this would compromise the key sustainable development principles set out in this Framework” should be removed from the NPPF. It is weighted too far towards a single interest that the planning system must address, and is inconsistent with both the plan-led system and the more measured presumption in favour of sustainable development. (Paragraph 77)

27. The Government accepts the recommendation that the ‘default answer is yes’ should be removed from the Framework. This language has given rise to unwarranted concerns that development should be allowed to proceed at all costs, which was never the intention of government policy. However, the Government remains committed to ensuring that the planning system does everything it can to support economic growth.

28. We have amended the Framework to be clear that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Local planning authorities should positively seek opportunities to meet the economic, social and environment needs of their area, and development that accords with the development plan should be approved without delay.
29. However, we have also revised the Framework to be clear that economic growth will not be at the expense of the countryside and heritage that we value. We have ensured that strong protections for Green Belt, National Parks and other important areas are retained and strengthened the policy on the use of brownfield land.

‘Presumption in favour of the Local Plan’

CLG Select Committee recommendation 14: It is sensible that planning should support a presumption in favour of sustainable development as a strategic purpose, but that presumption is not precise enough to be used as a tool for decision making. Where there is an adopted Local Plan in place, the Local Plan should be the starting point for planning decisions. Local Plans should be based on robust evidence, transparent, capable of providing the development needed in an area, reflective of local circumstances, and offering as much certainty as planning reasonably can. The presumption in favour of sustainable development should be redefined as ‘a presumption in favour of sustainable development consistent with the Local Plan.’ In our view, this will not only firmly anchor sustainable development to local circumstances, but will also provide a spur to local authorities to prepare their Local Plans. (Paragraph 80)

30. The Government accepts the recommendation that Local Plans should be the starting point for planning decisions. This is the existing legislative position set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and we have amended the Framework to stress this.
31. We have clarified the presumption in favour of sustainable development to remove any ambiguity about the fact that it operates within this legislative framework and supports the delivery of strong and up-to-date Local Plans. The Framework as a whole is intended to support and encourage local planning authorities and their communities in putting in place up-to-date Local Plans as soon as possible.

‘Significantly and demonstrably’

CLG Select Committee recommendation 15: The phrase ‘significantly and demonstrably’ should be removed throughout the document; we prefer the simpler test of significance. Indeed, the alternative wording from the Practitioners Advisory Group’s version - “this presumption should apply unless to do so would cause significant harm to the objective, principles and policies set out in this National Planning Policy Framework” - encapsulates, in our minds, a clearer, more balanced approach to the presumption in favour of sustainable development. Such new wording should also place the burden of proof of the presumption not causing significant harm onto the developer or applicant, not on the planning authority. (Paragraph 86)

32. The Government does not accept this recommendation. The Committee indicated that it favoured a test of ‘significance’ rather than ‘significantly and demonstrably’. We considered carefully whether the word ‘demonstrably’ was in some ways unclear or ambiguous. We have concluded that, to require that something is demonstrable, is simply to require it to be based on more than assertion – in other words, to be based on evidence, which is a theme that runs through the whole of the Framework.

33. The Government does not accept that the burden of proof that development would not have adverse impacts which significantly and demonstrably outweigh the benefits should fall onto the applicant. It will be a matter for the decision-taker to assess whether development should or should not be granted planning permission based on the right information. The Government encourages applicants for planning permission to discuss what information is needed with the local planning authority and expert bodies as early as possible.

Viability

CLG Select Committee recommendation 16: From the definition of ‘viability’ in the draft NPPF, many have concluded, which we fully understand, that the NPPF would allow unsustainable development to go ahead if measures to make it sustainable were also deemed to make it unviable for the developer. We welcomed the Minister’s clarification and we recommend that the NPPF make it clear that calculations of viability presuppose requirements to provide infrastructure and other measures necessary to the development, not simply returns deemed acceptable by the developer. (Paragraph 91)

34. The Government accepts the recommendation that we should be clear that viability consideration should not lead to unsustainable development being granted planning permission. To avoid any ambiguity on this point, the Government has clarified the policy to make clear that where safeguards are necessary to make a particular development acceptable in

planning terms (such as environmental mitigation or compensation) the development should not be approved if the measure required cannot be secured through appropriate conditions or agreements. So that development is not inhibited unnecessarily, the need for such safeguards should be clearly justified through discussions with applicants and the options for keeping such costs to a minimum are fully explored.

Illustrating the problem of balance: transport in the NPPF

CLG Select Committee recommendation 17: We consider that the transport section of the NPPF is a good illustration of lack of balance in the document as currently drafted; by the use of such phrases as ‘where reasonable’, and ‘where practical’, it gives the impression that the ‘sustainable’ part of ‘sustainable development’ can be jettisoned almost at will. Local authorities should be able to expect that they can reject or enforce changes to development on transport or environmental grounds, not just where the impact would be ‘severe’, but where it would run counter to local priorities and wishes, or where an individual development might contribute to a ‘severe’ cumulative impact caused by several developments. This example serves to illustrate the difficulties local authorities may have in making a determination on particular applications. (Paragraph 95)

35. The Government accepts this recommendation in part. The Government believes there is a need to strike the right balance between allowing development proposals to go ahead and enabling communities to ensure necessary transport improvements can be secured. In particular, it accepts that consideration of the cumulative impact of development on the transport network needs to be more clearly expressed. We have, therefore, amended the wording to be explicit that in addition to considering the impact of a specific development, account should be taken of the cumulative impact of development on the transport network.

Statutory status of Local Plans

CLG Select Committee recommendation 18: We recommend that the NPPF unambiguously reflect the statutory supremacy of Local Plans, in accordance with the 2004 Planning Act. The prominence given to the presumption in favour of sustainable development risks presenting it as a decision making mechanism on a par with, or superior to, the Local Plan. In view of the fact that the Local Plan is a keystone of the planning edifice, it is crucial that local authorities have Local Plans in place as soon as possible. (Paragraph 101)

36. The Government accepts this recommendation and welcomes the support the Committee gives to local planning authorities putting in place up-to-date Local Plans as soon as possible. The first line of the section on the presumption in favour of sustainable development now states unambiguously that *“Planning law requires that applications for planning*

permission must be determined in accordance with the development plan unless material considerations indicate otherwise". The Framework also now makes clear that it is highly desirable that local planning authorities should have an up-to-date plan in place.

Absent, silent, out-of-date or indeterminate local plans

CLG Select Committee recommendation 19: There is a tension between the advice in the NPPF that Local Plans should be succinct, and the need for local authorities in the absence of national guidance, to produce comprehensive plans tailored to local circumstances. We share the Government's desire for succinct Local Plans, but accept that somewhat longer Local Plans are inevitable because they fill significant gaps left by the loss of regional plans and by the substantial reduction in detail of national policy (paragraph 104)

37. The Government does not accept this recommendation. We do not accept that the revocation of regional plans or the simplification of national policy will lead to significant gaps. Where there are particular local circumstances that mean that councils wish to reflect policies in regional plans in their Local Plans, they can do so by undertaking a quick review focussing on those policies. Councils can also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.

Tensions between the Framework, Local Plans and Neighbourhood Plans

CLG Select Committee recommendation 20: The relationship between the NPPF, Local Plans and Neighbourhood Plans needs to be set out clearly and cogently within the body of the NPPF, including the way in which strategic and local priorities are to be taken into account, especially when these priorities conflict. The NPPF must clarify whether the Local Plan or the Neighbourhood Plan takes precedence. It should also define what constitutes 'strategic issues'. The NPPF should confirm that, in all planning decisions, it is a well evidenced Local Plan that provides the operational expression of the general presumption in favour of sustainable development. (Paragraph 112)

38. The Government accepts this recommendation. We have considered carefully the arguments for additional clarity on the relationship between the Framework, Local Plans and Neighbourhood Plans. We have clarified the Framework to make clear that the ambition of neighbourhoods should be aligned with the strategic needs and priorities of the wider local area. The Framework sets out what the strategic priorities of Local Plans must include.

39. We have also amended the Framework to be clear that once a Neighbourhood Plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.

The duty to cooperate and evidence bases for Local Plans

CLG Select Committee recommendation 21: Consistency between local authorities in assembling evidence bases for Local Plans is crucial to the effective functioning of the duty to co-operate. While we understand that the Government believes the Duty to Co-operate contained in the Localism Act 2011 coupled with other developments such as the creation of Local Enterprise Partnerships will ensure that spatial planning is adequately addressed, we share some of these concerns. Without consistency, it will not be clear what benchmark the Planning Inspectorate will use for judging the ‘soundness’ of plans, especially when neighbouring local authorities have been unable to reach agreement about the need for or location of new housing. Therefore we recommend that the guidance being produced by practitioners on assembling an evidence base for housing be officially adopted by the Government. We also recommend that the Government commission groups of practitioners to produce similar, authoritative guidance on assessing needs for other types of infrastructure. (Paragraph 117)

40. The Government accepts the thrust of this recommendation. The guidance published by the Department on carrying out Strategic Housing Market Assessment guidance will remain in place once the Framework is published. The guidance sets out a methodology which enables local authorities to work in partnership across housing market areas to develop a robust shared evidence base on housing issues.
41. We are committed to reviewing the guidance on strategic housing market assessments as part of our wider review of guidance. The consultation on the draft Framework asked for views on what any separate guidance should cover, and who is best placed to provide it. The Department is considering the responses to these questions in deciding a way forward.
42. We will also consider what underpinning guidance on other issues may be justified to ensure successful implementation of the Framework. It will not always be the case that the guidance should come from Government – in some cases professional bodies may be the most appropriate bodies to publish guidance. The outcome of this process will be an appropriate and easy to use set of guidance focussing on issues that require national expression, to support implementation of the Framework.

CLG Select Committee recommendation 22: Waiting until and relying upon the Planning Inspectorate’s judgement about ‘soundness’ seems to us an inadequate means of enforcing the duty to co-operate. We consider that the Government should set out an alternative means of

ensuring that local authorities demonstrate successful outcomes from their co-operation. This alternative method should be informed by a report from the Planning Inspectorate on the existing degree of co-operation in development plans and, thereafter, by an annual report on the effectiveness of section 110 of the Localism Act in respect of development plans. (Paragraph 118)

43. The Government accepts the thrust of this recommendation but believes that local councils rather than a separate body are best placed to set out their progress on cooperating with neighbouring authorities and others on issues with cross boundary impacts. We have included a provision in draft local planning regulations which requires authorities to report on progress against the duty to cooperate in their Authority Monitoring Reports. We believe that the monitoring requirement will act as a powerful sanction and ensure greater transparency so that councils are held accountable by their communities.

CLG Select Committee recommendation 23: Finally, it was clear to us that the absence of Local Plans was a contributory factor to the shortage of homes that have been built over many decades in England, and it is reasonable to expect that a requirement on local authorities to adopt Local Plans based on sound evidence of need will help facilitate an improvement to this situation. (Paragraph 119)

44. The Government accepts this recommendation and agrees the lack of up-to-date Local Plans has contributed to the shortage of homes that communities need and is determined to ensure up-to-date plans are put in place more quickly than in the past and maintained. This is one reason why the Government has embarked on its ambitious programme of reforms to the planning system. A key aim of the new Framework is to support and encourage local planning authorities and their communities to put in place up-to-date Local Plans as soon as possible to enable them to deliver the homes, jobs and quality environment they need.

The transition to a new system

CLG Select Committee recommendation 24: We recommend that the Government establish a timetable for a transition period in consultation with local government. We consider that clarity and reassurance are urgently needed by local authorities, communities and developers on the status of existing arrangements for development control during this transition. The Government has several choices on how to achieve this. (Paragraph 131)

CLG Select Committee recommendation 25: We recommend that, in the interests of ensuring that authorities put in place Local Plans compliant with the NPPF expeditiously, a strictly limited period is allowed during which the presumption in favour of sustainable development is not applied in cases of absent, silent or out-of-date plans until councils have had a realistic chance of putting such plans in place. (Paragraph 132)

45. The Government accepts these recommendations. As the Committee notes, the Minister told the House that *'no local council or authority that has developed a plan that expresses the future of its community will be at all disadvantaged'*. The Committee observed that the Government has several choices on how to achieve this. We have favoured the approach recommended by the Local Government Group to the Committee (cf Ev 120, 10.4 (ii)) whereby the Local Plan is given weight according to whether or not it is clearly contrary to the Framework.
46. However, we have decided to go a step further by providing an additional 12 month period during which councils which have adopted plans since 2004 can rely on them even if they conflict with the Framework, to give them a realistic chance to bring up-to-date their Local Plan.
47. Some respondents to the consultation recommended that in addition to transitional arrangements for councils with up-to-date plans, allowance should be made for councils that are producing plans. The joint submission from the National Housing Federation, Shelter, Crisis, the Northern Housing Consortium and the Chartered Institute of Housing said *"we think that there is merit in expanding the NPPF to make it clear that emerging local plans that make proper provision for sustainable development, will be material considerations"*. Accordingly, annex 1 to the Framework sets out how weight should be accorded to emerging plans.
48. We have also put in place a package of advice and support from the Local Government Association, the Planning Inspectorate and the Department for Communities and Local Government from day one and free of charge to assist councils in considering the need to update their Local Plans and taking forward efficient and effective reviews.

CLG Select Committee recommendation 26: We observe that the Government may wish to allow those authorities that have recently adopted or are at present in the process of adopting new plans a lighter touch path to examination and approval of those parts of their plans that require any amendment as a consequence of revisions to national policies introduced through the NPPF. (Paragraph 133)

CLG Select Committee recommendation 27: We believe that if Local Plans are to be able to remain at the centre of decision making over a plan period, there needs to be a mechanism by which they can be kept up to date. This will help maximise certainty and minimise challenge. We recommend the adoption of a 'light touch' system of approval for changes to Local Plans to be used at the discretion of the Local Authority as they judge necessary. (Paragraph 134)

49. The Government accepts the thrust of these recommendations. The Planning and Compulsory Purchase Act ensures there are robust minimum standards for consultation and public participation that Local Plans must meet when preparing Local Plans. Each local planning authority must meet those minimum standards.

50. However, the Government, through advice and support from the Local Government Association, the Planning Inspectorate and the Department for Communities and Local Government has put in place a support service for local planning authorities to facilitate speedy reviews of their Local Plan policies, including through the use of quicker small scale reviews where appropriate.

CLG Select Committee recommendation 28: We further recommend that the Government consider as a matter of urgency whether the resources of the Planning Inspectorate are sufficient to prevent a bottleneck of unapproved plans building up, particularly given the scope for a short term increase in challenge to Development Control decisions. (Paragraph 135)

51. The Government accepts this recommendation. The Planning Inspectorate constantly monitors the resources available to support local planning authorities to ensure sufficient resources are available to support delivery of up to date Local Plans and appeal decisions. We are making additional resources available to the Inspectorate for this task and will keep this under review. Over the medium term, the increased clarity and certainty that the Framework will deliver could reduce the number of planning appeals.

Development on brownfield land

CLG Select Committee recommendation 29: We welcome the Government's openness to reinstating the familiar and well understood term 'brownfield' in the NPPF, whilst recognising that more sophistication is needed in its definition to avoid unintended consequences. There is a danger, nevertheless, that the removal of the brownfield target and the 'brownfield first' policy—in conjunction with the introduction of the presumption in favour of sustainable development and changes to requirements for allocating land for housing—will result over time in less importance being attached to the use of previously-developed land first where possible. This principle should be strongly stated in the NPPF, and reiterated by requiring local authorities to set their own targets for the use of brownfield land. This would allow for adaptation to particular circumstances and would in addition be a useful mechanism for local accountability. (Paragraph 143)

52. The Government accepts this recommendation in part. We have amended the Framework to clarify that planning policies and decisions should encourage the effective use of land by re-using land that has previously been developed (brownfield land), provided that it is not of high environmental value. We do not believe a national target is appropriate, as it cannot capture the range of local possibilities for the use of brownfield land. However, it is open to local planning authorities to consider setting a locally appropriate target for the re-use of brownfield land.

The supply of sites for housing

CLG Select Committee recommendation 30: Asking local authorities to identify six years' rather than five years' worth of sites for housing carries an inevitable risk that the total supply will contain a greater proportion of greenfield sites, which developers will prefer. We recommend that it should be made explicit that local authorities which adopt a local target for the use of brownfield land can prioritise it within their six-year supply, which we urge the Government to confirm and clarify in the NPPF. (Paragraph 149)

53. The Government accepts this recommendation in part. Where local planning authorities prioritise the re-use of brownfield land they will be able to reflect this in their five year supply of sites for new housing.

CLG Select Committee recommendation 31: We recommend that the Government allow windfall sites to be included alongside identified brownfield land where local authorities can demonstrate a track record of such sites coming forward for development, as this will achieve the aim of satisfying the need for land supply while minimising the need to allocate greenfield sites. The Government should have more confidence in the continuing replenishment of brownfield sites as a source of land for new development. (Paragraph 150)

54. The Government accepts this recommendation. We have amended the Framework to be clear that local planning authorities may make an allowance for windfall sites in their 5 year supply of sites for housing where there is compelling evidence that such sites, not including residential gardens, have consistently become available in the local area and will continue to provide a reliable source of supply.

CLG Select Committee recommendation 32: Some local authorities may, in good faith, be unable to identify six years' worth of land supply appropriate for housing. We recommend that the Government clarify that unsustainable development will not be allowed to proceed as a result of appeals against local authorities which have not allocated the full six year supply. (Paragraph 151)

55. The Government accepts this recommendation. We have no intention of allowing unsustainable development to proceed and the presumption in favour of sustainable development and other policies in the Framework are designed to facilitate sustainable development.

Town Centre First

CLG Select Committee recommendation 33: The NPPF should reflect the existing Town Centre First policy by bringing offices back within its ambit, in a form that allows exceptions that make a specific contribution to rural sustainability. We recommend that application of the sequential

test for development remains a requirement rather than a preference, and developments that fail the sequential test should be deemed unsustainable. We further recommend that the Government clarify the policy position on town centres with respect to arts, culture and tourism uses, to ensure that they are included in the Town Centre First policy. (Paragraph 157)

56. The Government accepts this recommendation in large part. We are committed to ensuring strong policy protections for our town centres and the policy retains the strong focus on town centres as the preferred location for retail, leisure and office development.

57. The removal of small scale offices and other small scale rural development from the policy will allow a greater ability for rural business to be established and to expand. The Government has clarified the Framework to make clear that the sequential test will continue to apply to offices in other locations.

58. The Government has also clarified the policies on town centres to reflect the important role that culture, including the arts, and tourism development can bring to town centres.

CLG Select Committee recommendation 34: We recommend that the NPPF include a provision to allow communities, in certain exceptional circumstances, to adopt an absolute protection of a town centre from out-of-town retail development. (Paragraph 158)

59. The Government does not accept this recommendation. The Government does not accept that it would be justifiable, or indeed lawful, to seek to preclude all out of town retail development. Planning law establishes that development proposals should be judged on their individual merits.

60. The town centre policies in the Framework, and in particular, the sequential and impact tests, will continue to ensure that development proposals that would cause unacceptable harm to town centres should not be granted planning permission.

Further consultation

CLG Select Committee recommendation 35: We see a strong case for a short consultation to allow practitioners to make comments on the technical aspects of the revised NPPF. This would help avoid confusion at a later date. The Government should also consider carrying out a brief but wider consultation if it makes substantial changes to what might be reasonably regarded as key principles in the final NPPF. (Paragraph 164)

61. The Government does not accept this recommendation. We have undertaken a full and detailed consultation on its proposals for the new national planning policy. The revisions the Government has made to the

draft Framework reflect the comments and suggestions made during the consultation which were comprehensive and detailed.

62. The Government has engaged closely with Parliament in the preparation of the Framework. In addition to the two Select Committee inquiries, there were focussed debates held in both Houses and many comments were made in the debates during the proceedings on the Localism Bill. The Government strongly believes that Parliament and its Select Committees, having contributed to the development of the Framework, should supervise its implementation with debates in both Houses during the new session.

Government response to the Environmental Audit Select Committee inquiry into Sustainable Development in the National Planning Policy Framework

EAC Select Committee recommendation 1: to embrace a wider definition of sustainable development than just the Brundtland definition, to include or refer explicitly to the 2005 Sustainable Development Strategy and PPS 1, but also to reflect the primacy of environmental limits couched more firmly in terms of seeking environmental *improvement*.

See the response to CLG Select Committee recommendations 10 and 11.

EAC Select Committee recommendation 2: Ensure that there is no potential for confusion about the importance of all aspects of sustainable development, so that local authorities can be in no doubt that the economic dimension is not predominant.

See the response to CLG Select Committee recommendation 12.

EAC Select Committee recommendation 3: to be more specific about how local authorities should address ‘regional’ sustainable development factors – including food resilience, energy, climate change and waste-management – and about how a duty-to-cooperate on such issues would operate and be enforced.

See the response to CLG Select Committee recommendation 21.

EAC Select Committee recommendation 4: The uncertainties in the currently drafted NPPF, unless rectified in the final version, place a premium on local authorities having Local Plans in place at the earliest opportunity. Transitional arrangements are needed to provide a realistic timescale for authorities to put Plans in place, and the Government should establish what resources local authorities will need to adapt their

systems for the new regime. And during that transition, while such Plans are being formulated and approved, local authorities should be able to judge planning applications on the basis of any existing Plans and by the legacy policies in the revoked Regional Strategies.

See the response to CLG Select Committee recommendations 24 and 25.

EAC recommendation 5: Clarify that environmentally low-value brownfield development forms part of land of ‘least environmental value’.

See the response to CLG Select Committee recommendation 29.

EAC Select Committee recommendation 6: the scale of change needed to the document suggests to us a need for a further round of public consultation once an improved draft is produced by the Government. The House should also be given an opportunity to vote on the NPPF

See the response to CLG Select Committee recommendation 35.



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