



CHEL TENHAM
ALLIANCE



Protecting the Environment
of Prestbury and Southam

Prestbury Group

Don't Choke Cheltenham



Leckhampton Green
Land Action Group



Swindon Village Society

May 2014

The Communities and Local Government Committee's Inquiry on the Operation of the National Planning Policy Framework

From : Cheltenham Alliance:

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Review on the effectiveness of National Planning Policy Framework

Introduction

The Cheltenham Alliance is a group of 7 organisations representing many thousands of local residents of Cheltenham, which have combined to try to protect Cheltenham's green belt and surrounding green spaces. The specific groups are listed below:

1. Leckhampton Green Land Action Group LEGLAG
2. Save the Countryside
3. Prestbury Group
4. Don't Choke Cheltenham
5. Swindon Village Society
6. Shurdington Up Hatherly Chargrove Lane Action Group (HASHTAG)
7. PEPS-NET Protecting the Environment of Prestbury and Southam

Our Summary Comments on the NPPF are listed below:

1. The NPPF is good in Principle:

We believe that the NPPF, while far from perfect was a sensible move towards simplification of the planning process. When amplified by the Planning Practise Guidelines in March of this year it should provide a way forward which permits reasonable development while moderating its worst excesses.

However, the planning document needs clarification added into the top level, there are two excellent sources of guidance that already exist to provide this necessary clarification:

- a) The March 2014 written ministerial statement by the Parliamentary under Secretary of State for Planning, replicated in Appendix 1, should be added into an early section of the NPPF. It is vital to add clarity and guidance on the implementation to local authorities and of particular importance:
- Issuing robust guidance on flood risk sites,
 - the reaffirmation of Greenbelt protection,
 - that windfalls to be counted against numbers in the plan,
 - stressing the importance of bringing brownfield into use first,
 - the issue of oversupply and delivery, and
 - of particular importance to the JCS, the encouragement of joint working between local authorities, but clarifying that the duty to co-operate is not a duty to accept.

The written statement is clear and unambiguous; the statement provides a welcome clarification of the National Planning Policy Framework and we would like to see these statements, with the particular notes, added to the section entitled 'Achieving Sustainable Development'.

- b) There is a myth than the NPPF is pro-build without constraint. The Department of Communities and Local Government have provided some important guidance on the application of the NPPF and dispelled some of the myths:

Response from the Department of Communities & Local Government (DCLG) on the NPPF ^[1]

There is a myth being promoted that the NPPF is a developer's charter, this is simply not true. From the birth of modern planning in 1947 there was a presumption in favour of development. This was turned into a plan-led approach in 1991. The presumption in favour of sustainable development carries forward this emphasis on positive planning, while reinforcing the primacy of the democratically produced local plans. Where plans are not up-to-date, the strong national policies we have set out provide a robust framework for making decisions, safeguarding the things matter like the Green Belt and areas at risk of flooding.

The presumption is not a green light for development. All proposals will need to demonstrate their sustainability and to be in line with the strict protections in the Framework. Strong environmental safeguards remain as part of the planning system, including protecting communities and the environment from unacceptable proposals. The Presumption is principally about good plan making. Once a local plan is put in place local decisions should be made in line with that plan.

The Framework puts local people in the driving seat of decision making in the planning system. Communities will have the power to decide the areas they wish to see developed and those to be protected, through their Local Plan. Once a local plan is in place which has the support of the local community that is what will drive decision making.

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Green Belt, Areas of Outstanding Natural Beauty and other designated land will retain the protections they enjoy today. In addition communities will be given a new power to protect locally important green spaces which are a vital part of residents' quality of life. Rather than imposing targets or blueprints from above, this Government is changing things so local people and their councils decide for themselves where to locate development and how they want their local area to grow. Development will need to be sustainable and not in breach of the framework's environmental protections.

The new framework re-affirms the Government's commitment to maintaining Green Belt protections that prevent urban sprawl. Inappropriate development, harmful to the Green Belt, should not be approved. Legislation will also remove the top down pressure on councils to build on the Green Belt.

DCLG National Planning Policy Framework Myth-Buster Thursday, 08 September 2011

Again we would like to see this DCLG guidance and clarification added to the NPPF Introduction.

2. ISSUE: Local Councils misinterpretation of the NPPF

The problem we have found is that the NPPF is being constantly misinterpreted by local councils who are in favour of development and who are bending it to their own purpose.

Specifically, here in Cheltenham, a Joint Core Strategy is being developed together with neighbouring Gloucester and Tewkesbury. This has seized upon the fact that, notwithstanding the heavy emphasis within the NPPF on protection of the green belt, the NPPF does permit the green belt boundaries to be redrawn given exceptional circumstances. The local Joint Core Strategy has, therefore, gone to great lengths to create just such exceptional circumstances by using non objective and inflated housing numbers.

When statistics on expected growth rates provided by ONS indicated that growth could be met without recourse to moving the green belt, one consultant has been brought in to provide a justification for ignoring government figures. New sub regional growth figures will be published by ONS this month and it is thought that these will again indicate that a lower growth rate can be expected than that used in the JCS. However officers have already stated in public no matter what the new figures say no amendment to the strategy can be expected.

The result is that it is planned to build some 7000 houses in Cheltenham's green belt. Indeed in one area of green belt alone there are plans for 4,800 houses. Using current ONS figures shows the JCS has overestimated the 20 year requirement by some 7,500 houses (30,500 against 23,000). It is thought that the new ONS figures will show an even lower true need.

That this oversupply has been manufactured can be seen by comparison with Bath and North East Somerset's Core Strategy, a comparable authority in the same area. Bath estimates a 20 year growth in population at 16.7%. The local JCS is using a figure of 22.3%. If a 16.7% increase were used in the local core strategy the result would be a reduction in need of over 7,000 houses.

3. **The NPPF creates loopholes leading to unnecessary building on Greenbelt**

The Cheltenham Alliance does not wish to take issue with the NPPF, only with the fact that it has left, either intentionally or unintentionally, loopholes which can be exploited by local councils to permit building on the green belt and open countryside.

4. **Councils are unwilling to engage with concerned action groups**

We are doing what we can to engage with the local councils. However we have little confidence that they are prepared to engage. We have asked our local council why they wish to develop on the greenbelt when other options are available, but unfortunately they do not want to engage in discussion and no reply to this or other such queries has been forthcoming.

This lack of willingness to engage in debate with local people is itself against the ethos of the NPPF.

5. **What could the Inspectorate do?**

- a. We ask the Inspectorate to take equal guard against strategies which attempt to overestimate the future requirement, particularly when they lead to incursions into the green belt and open countryside, as they are to take issue with underestimates.
- b. We ask the Inspectorate to verify exact understanding and co-operation with the NPPF that is to ensure that Greenbelt development is only allowed as part of a plan when Brownfield land is absolutely unavailable or for clearly defined and limited exceptional circumstances. This will stop the unnecessary urban extensions that some councils seem determined to develop at the expense of town centre continued viability and improvements in derelict areas.

Conclusion

Our Members hope that the points above are seriously considered.
We should be happy to participate in a public enquiry into the matter.

Yours sincerely,

The Cheltenham Alliance

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Appendix 1 Local planning - Written ministerial statement by Nick Boles on local planning

<https://www.gov.uk/government/speeches/local-planning>

Organisation: [Department for Communities and Local Government](#)

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Added link to the list of guidance documents cancelled by the planning practice guidance suite.

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Policy:

[Making the planning system work more efficiently and effectively](#)

Topic:

[Planning and building](#)

Minister:

[Nick Boles MP](#)

Location:

Parliament

Written ministerial statement by Nick Boles on local planning.



The coalition government is committed to reforming the planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should and should not go. Planning should not be the exclusive preserve of lawyers, developers or town hall officials.

We are also committed to ensuring that countryside and environmental protections continue to be safeguarded, and devolving power down not just to local councils, but also down to neighbourhoods and local residents.

We have already taken a series of steps to cut unnecessary red tape, such as the streamlined [National Planning Policy Framework](#) reducing 1,000 pages of planning guidance to less than 50, revoking the last administration's bureaucratic regional strategies and extending permitted development rights to make it easier to get empty and under-used buildings back into public use. I would like to update the House on progress on this ongoing work.

An accessible planning system

In October 2012, we invited Lord Taylor of Goss Moor to lead a [review](#) into the reams of planning practice guidance that we have inherited from the last administration.

My department subsequently held a consultation on the group's proposals, and in August 2013, we launched our proposed streamlined planning practice guidance in draft, consolidating 7,000 pages of complex and often repetitive documents. Today, we are launching the final version of that practice guidance through an accessible [website](#).

We have carefully considered representations made on the draft practice guidance and feedback from hon. members and noble peers in recent Parliamentary debates.

I would particularly note that we are:

- issuing robust guidance on flood risk, making it crystal clear that councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed
- re-affirming green Belt protection, noting that unmet housing need is unlikely to outweigh harm to the green Belt and other harm to constitute very special circumstances justifying inappropriate development
- making clear that local plans can pass the test of soundness where authorities have not been able to identify land for growth in years 11 to 15 of their local plan, which often can be the most challenging part for a local authority
- making clear that windfalls can be counted over the whole local plan period
- explaining how student housing, housing for older people and the re-use of empty homes can be included when assessing housing need
- ensuring that infrastructure is provided to support new development, and noting how infrastructure constraints should be considered when assessing suitability of sites
- stressing the importance of bringing brownfield land into use and made clear that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers
- noting that councils should also be able to consider the delivery record (or lack of) of developers or landowners, including a history of unimplemented permissions; this will also serve to encourage developers to deliver on their planning permissions
- incorporating the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for consideration
- allowing past over-supply of housing to be taken into account when assessing housing needs
- on the 5 year supply of sites, confirming that assessments are not automatically outdated by new household projections
- clarifying when councils can consider refusing permission on the grounds of prematurity in relation to draft plans
- encouraging joint working between local authorities, but clarifying that the duty to co-operate is not a duty to accept; we have considered and rejected the proposals of HM opposition to allow councils to undermine green Belt protection and dump development on their neighbours' doorstep

We will today also cancel the previous planning practice guidance documents being replaced by the new guidance; a [list has been placed in the Library](#). The planning practice guidance will be updated

as needed and users can sign up for email alerts on any changes, or view these revisions directly on the site. The online resource is at: planningguidance.planningportal.gov.uk

Encouraging re-use of empty and under-used buildings

In August 2013, my department [published a consultation paper](#) on a further set of greater flexibilities for change of use. Further reforms will save time and money for applicants and councils, encourage the re-use of empty and under-used buildings and further support brownfield regeneration while ensuring regard to potential flood risk.

New homes: retail to residential change of use

Outside key shopping areas, such as town centres, we want under-used shops to be brought back into productive use to help breathe new life into areas that are declining due to changing shopping habits. This will not only provide more homes, but increase the resident population near town centres, thereby increasing footfall and supporting the main high street. Reforms will allow change of use from shops (A1) and financial and professional services (A2) to houses (C3). This change of use will not apply to land protected by Article 1(5) of the General Permitted Development Order (National Parks, the Broads, areas of outstanding natural beauty, conservations areas, World Heritage Sites).

We recognise the importance of retaining adequate provision of services that are essential to the local community such as post offices. Consideration will be given to the impact on local services when considering the potential loss of a particular shop. The onus will be on the local planning authority to establish that the proposal would have a detrimental impact on the sustainability of a key shopping area or on local services should they wish to refuse the conversion. When considering the effect on local services they will have to take into account whether there is reasonable prospect of the premises being occupied by another retailer. Local planning authorities will need to have robust evidence base to justify any decision not to permit change of use using these prior approval tests.

In addition, to increase access to retail banking and to encourage new entrants, shops (A1) will be able to change to banks, building societies, credit unions and friendly societies, within the A2 use class. This does not cover betting shops or payday loan shops.

New homes: agricultural to residential change of use

These reforms will make better use of redundant or under-used agricultural buildings, increasing rural housing without building on the countryside. Up to 450 square metres of agricultural buildings on a farm will be able to change to provide a maximum of 3 houses.

We recognise the importance to the public of safeguarding environmentally protected areas, so this change of use will not apply in Article 1(5) land, for example national parks or areas of outstanding natural beauty. However, we expect national parks and other local planning authorities to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area. National parks and other protected areas are living communities whose young people and families need access to housing if their communities are to grow and prosper. I would note that a prior approval process will allow for flooding issues to be addressed.

Change of use: extending access to education

We also propose to extend the existing permitted development rights for change of use to state-funded schools to additionally cover registered nurseries. Agricultural buildings up to 500 square metres will also be able to change to state-funded schools and registered nurseries.

I believe that these are a practical and reasonable set of changes that will help facilitate locally-led development, promote brownfield regeneration and promote badly-needed new housing at no cost to the taxpayer. The reforms complement both the coalition government's decentralisation agenda and our long-term economic plan.