



## CABINET

26 October 2011

## REPORT

**Subject Heading:**

**Draft National Planning Policy Framework – response from London Borough of Havering**

**Cabinet Member:**

**Councillor Robert Benham**

**CMT Lead:**

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Group Director Culture and Community**

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**Policy context:**

**‘Living Ambition’ agenda  
LB Havering Local Development Framework**

**Financial summary:**

**The Government will finalise the form and content of the Framework for early 2012. Any proposals for Council owned land will need to be brought forward in the context and the aims and objectives of the Framework but the impact cannot be ascertained at this stage. It will need to be reflected in the Local Plan that the Council prepares to replace the Local Development Framework. Costs of preparing the latter will be met from existing budgets.**

**Is this a Key Decision?**

**Yes**

**Is this a Strategic Decision?**

**Yes**

**When should this matter be reviewed?**

**2013**

**Reviewing OSC:**

**Partnerships**

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	[✓]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[✓]
Valuing and enhancing the lives of our residents	[✓]
Delivering high customer satisfaction and a stable council tax	[]

**SUMMARY**

The Government has published its draft National Planning Policy Framework to set out its intended planning policies to deliver economic growth and new homes.

The draft Framework is considerably more concise than the existing documents it will replace and reduces some 1000 pages of policy to less than 60 pages.

The Government sees planning as delivering sustainable development and wants the planning system to help deliver positive growth. It sees the Framework as providing the opportunity for people and communities to be involved in planning and is a key part of its wider 'localism' agenda. It addresses planning for prosperity, people and places. The Framework maintains the overall policy approach of many well understood and supported policies including safeguarding the Green Belt.

This report highlights the key features of the draft Framework and what it may mean for Havering in terms of its plan making and development management roles.

It suggests that the broad thrust of the Framework can be supported and that the focus on economic growth can be welcomed as this will complement the Council's own priorities.

However, it is noted within the report, and in Appendix 1, that there are key concerns about aspects of the draft Framework which should be addressed by Government before it is published.

These include issues such as the need for clarity and consistency on the definition of 'sustainable development', the importance of environmental and other sustainability considerations not being over-ridden in the priority afforded to economic growth, more information being needed on how the new system will be introduced, clarity needed on the respective roles of Local and Neighbourhood Plans and how and when the community may be involved in the latter, and the importance of local interests and priorities being properly taken account of in planning decisions. There is also concern that the draft Framework does not address the particular circumstances of planning in London where the Mayor's

London Plan is a key part of the planning system for all boroughs and where some issues specific to London (such as housing land availability) are unique and particular. The report also identifies that some recent planning guidance from the Government (for example, that on heritage matters) is so slimmed down in the draft Framework that authorities may have to prepare local advice to supplement the Framework. Culture is identified as a theme where the Framework needs further work if it is to help address quality of life issues properly.

The Government has invited comments on the draft Framework and Members will be aware that it has been the subject of extensive media coverage. Section 4 of the report and Appendix 1 set out issues that are recommended for inclusion in this Council's response.

Finally, the report includes a recommendation to the Council's Regulatory Services Committee about how the draft Framework should be used in the determination of planning applications. The report notes in this regard that in specific circumstances it should be afforded weight taking into account the need to secure economic growth providing proposals do not have unacceptable adverse social or environmental impacts.

## **RECOMMENDATIONS**

That Cabinet:

- (1) welcome the overall approach set out in the draft National Planning Policy Framework ;
- (2) agree that the comments in Section 4 of this report (paras. 64 -147) and Appendix 1 be submitted as the Council's response to the draft Framework ;
- (3) Recommend to the Regulatory Services Committee that the draft National Planning Policy Framework can be afforded weight, in particular when schemes do not accord with the Havering Local Development Framework or the Local Plan is silent (ie indeterminate) provided development will not have unacceptable adverse social or environmental impacts.

## **REPORT DETAIL**

### **(1) Background**

#### **(a) Why the draft Framework has been published**

1. Reform of the planning system has been identified by the Government as one of the elements of its 'Planning for Growth' agenda, which seeks to identify regulations or policies that impede economic growth. The Government pledged in its pre-election policy paper 'Open Source Planning' to scrap what it saw as the overly bureaucratic planning regime and indicated an early intention to increase the speed and scale of change. Additionally, various Government reviews have set out ambitious proposals to ensure that the planning system does everything possible to support sustainable economic growth alongside housing supply.
2. The Government wishes localism and community to be at the heart of its changes to the planning system and demonstrated this through its early dissolution of the regional planning framework outside London and its intention to foster neighbourhood level plan making.
3. The current national planning system is made up of more than 25 Planning Policy Statements (PPSs) and guidance and explanatory notes, that collectively total more than 1,000 pages. All Local Development Frameworks (LDFs) must conform to these whilst In London LDFs must also be in general conformity with the London Mayor's London Plan (2011). Whilst some of the existing Government policy and guidance documents are relatively recent, others are several years old.
4. In July 2011, the Government published the draft 'National Planning Policy Framework' ('the draft Framework' for consultation. It has 58 pages compared to the extensive documents it is intended to replace. The consultation documents also include a specific document dealing with consultation and a comprehensive Impact Assessment of the draft Framework. The latter outlines some important policy considerations (for example, in regard to previously developed land, car parking standards and the Green Belt).
5. Members will be aware that the draft Framework has been the subject of extensive media coverage particularly in regard to its potential implications for the Green Belt and countryside.
6. Copies of the draft National Planning Policy Framework and its companion documents are in the Members' Resource Room.
7. The documents are also available at the following Government website :  
  
[http:// www.communities.gov.uk/documents/planningandbuilding/pdf1951811.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf1951811.pdf)
8. It is expected that the published Framework will reflect the outcome of the consultation undertaken recently on planning policy guidance for travellers. Havering responded to that consultation in August 2011.
9. The Government hopes to issue the final Framework later this year / early 2012.

**(b) What this report deals with**

10. The report is set out in several sections. **Section 2** looks at the consultation and **Section 3** highlights the key elements of the draft Framework. **Section 4** reviews the key issues for Havering arising from the draft Framework and identifies comments that officers recommend are included in the Councils' formal response (along with those in Appendix 1). **Section 5** looks at what other stakeholders have said about the Framework. Finally, **Section 6** considers the implications for Havering in terms of dealing with current and forthcoming planning applications.

**(2) The form of the consultation on the draft National Planning Policy Framework**

11. The Government is inviting comments on the draft Framework and has provided a template encompassing questions on the policy and impact implications of the draft Framework.
12. Respondents are invited to indicate whether they agree with the Framework and also have the opportunity to submit comments to explain their responses.

**(3) Key points of the draft National Planning Policy Framework**

**(a) Introduction**

13. The Introduction states in para.2 that 'The Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. Planning has a key role in securing a sustainable future'.
14. The document addresses delivering sustainable development, plan making and development management. It then has separate sections dealing with planning for prosperity, people and places, respectively.
15. The 'parent' consultation document refers to 'Local Plans' throughout and, whilst not addressed in the Glossary to the main consultation document, it is clarified in the associated Impact Assessment that this encompasses Local Development Frameworks (LDFs) and the various documents within them such as Core Strategies and Area Action Plans). This report explains that the Government intends that these 'Local Plans' will replace the current LDFs. It notes that officers have started work to prepare a new plan for the borough to replace the Havering LDF. This is expected to be in accord with the requirements for Local Plans set out in the Government's consultation document.

**(b) Delivering Sustainable Development**

16. The coalition Government is keen to put economic growth at the centre of its planning policies and the presumption in favour of sustainable development underpins the draft Framework.
17. The draft Framework defines 'sustainable development' as 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.' It regards this as central to the economic, environmental and social success of the country and is the core principle underpinning planning. It sees the delivery of sustainable development as planning for prosperity, people and places, with this encompassing economic, social and environmental roles.
18. The draft Framework states that 'planning must operate to encourage growth and not act as an impediment' and 'significant weight should be placed on the need to support economic growth through the planning system.'
19. The draft Framework urges local planning authorities to plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:
  - prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes
  - approve development proposals that accord with statutory plans without delay; and
  - grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.
20. In accordance with the focus on growth, the draft Framework requires decision-takers at every level to assume that the default answer to development proposals is "yes", except where this would compromise the key sustainable development principles set out in the draft Framework.
21. The Government want to see both plan making and development management as proactive and driven by a search for opportunities to deliver sustainable development rather than barriers. It will do this by placing increased emphasis on the importance of meeting development needs through plans; on the need to approve proposals quickly where they are in line with those plans; and on the role of the Framework as basis for decisions where plans are not an adequate basis for deciding applications.
22. This section of the draft Framework identifies also core planning principles that will underpin both plan-making and development management. These confirm that planning should be plan-led and that Local Plans should set out the long-term vision for an area to pro-actively drive and support the development that this country needs.

23. The draft Framework says planning policies should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability. They should also protect and enhance environmental and heritage assets, make effective use of land, promote mixed use developments to create more vibrant places, manage patterns of growth to make fullest use of public transport, walking and cycling, take account of and support local policies to improve health and well being and secure a good standard of amenity for existing and future building occupants.

**(c) Plan-making**

24. Development plans have to meet the objective of sustainable development and will have to be consistent with the objectives, principles and policies set out in the Framework including the presumption in favour of sustainable development. Plans are expected to be prepared on the basis that objectively assessed development needs should be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

25. Local Planning Authorities will remain responsible for producing Local Plans that can be reviewed in whole or in part to respond flexibly to changing circumstances. They should be aspirational but realistic. The Government want to improve the accessibility of the plan-making process for communities and address the relatively limited local plan coverage that has been achieved. Supplementary Planning Documents may still be produced but only where their production can help to bring forward sustainable development at an accelerated rate.

26. A Local Plan will set out the strategic priorities for the area it covers which should include policies to deliver a range of development (Housing, Economic, Infrastructure etc) and indicate broad locations for strategic development. Where Local Authorities do not have an up-to-date plan (i.e. one that is not consistent with the Framework) planning applications will be determined in accord with it. It will be open to local planning authorities to seek a certificate of conformity with the Framework for an existing plan.

27. Local Plans will still be assessed by an independent inspector and will continue to be subjected to the test of soundness. In addition to the existing tests (Justified, Effective, Consistent with national policy), plans must prove they are 'Positively Prepared' and meet objectively assessed development and infrastructure requirements. Where practical, Local Plans should address unmet requirements from neighbouring authorities with the presumption in favour of sustainable development.

28. The Framework supports the implementation of neighbourhood planning introduced in the Localism Bill. Neighbourhood plans are intended to give communities direct power to plan the areas in which they live. The draft

Framework envisages that these will be prepared by neighbourhood forums and, outside London, parishes.

29. Neighbourhood plans are required to be aligned with the strategic needs and priorities of the wider area and will have to be in general conformity with the strategic policies of the Local Plan. They can be used to develop a shared vision for the Neighbourhood and set planning policies for the development and use of land. (The draft Framework is, however, unclear on the role of local planning authorities in the preparation of these nor does it provide any information on how and when Neighbourhood plans can be prepared in London or what will be involved in a neighbourhood forum).
30. Where proposals are in keeping with the Neighbourhood Plan, neighbourhoods will be allowed to grant planning permission via Neighbourhood Development Orders (NDOs). Neighbourhood plans will need to be in general conformity with the strategic policies of the Council's Local Plan.
31. There is support for a Duty to Co-operate which will come into force in the Localism Bill. The Duty to Co-operate is for local councils and other public bodies across administrative boundaries to plan for the housing, transport and infrastructure that local people need.

**(d) Development management**

32. The draft Framework states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development. Local Authorities should:
  - approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so
  - attach significant weight to the benefits of economic and housing growth
  - influence development proposals to achieve quality outcomes; and
  - enable the delivery of sustainable development proposals.
33. The draft Framework encourages early engagement in order to improve the efficiency and effectiveness of the planning application system. It recommends Local Authorities actively promote any pre-application services that they offer as well as encouraging applicants not already required to do so by law to engage with the local community before submitting their applications.
34. Local Plans, incorporating neighbourhood plans where relevant, will be the starting point for the determination of any planning application as the planning system will remain plan-led. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.



35. Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would boost enterprise and growth. Planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
36. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. As before, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
37. Planning obligations should only be sought where they meet all of the following tests:
  - necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fair and reasonably related in scale and kind of development.
38. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
39. Local planning authorities should avoid unnecessary conditions or obligations, particularly when this would undermine the viability of development proposals.

**(e) Planning for prosperity**

40. The draft Framework says that the Government is committed to securing sustainable economic growth noting that there is an urgent need to restructure the economy, to build on the country's inherent strengths and to meet the twin challenges of global competition and of a low carbon future.
41. Local Councils should be positive and proactive in encouraging sustainable growth by setting out a clear economic vision and strategy for their area based on an understanding of business needs across their areas.
42. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. The 'sequential test' is retained for retail and leisure proposals which do not accord with the Local Plan, which makes town centres the preferred location for such uses. The draft Framework removes offices from the need to follow the Town Centres first approach and expects office proposals to be judged on their merits.
43. The Government also proposes that the time horizon for assessing the impacts of unplanned retail and leisure schemes in edge or out of town centre locations should be extended to 10 years (from 5 years) to enable a

more robust assessment to be made and in recognition that impacts may take time to develop.

44. The Government recognises the important role of transport in facilitating development but also contributing to wider sustainability and health objectives. It wants encouragement to be given to solutions which support reductions in greenhouse gases and to reduce congestion where practical. The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary.
45. Developments are expected, where practical, to be located and designed to accommodate the efficient delivery of goods and supplies, give priority to pedestrian and cycle movements and have access to high quality public transport facilities, create layouts which minimise conflict, incorporate facilities for charging plug-in and other low emission vehicles and consider the needs of disabled people.
46. The Government proposes to remove the existing national maximum non-residential car parking standards for major developments, so that Councils are better able to develop parking policies that are appropriate to local circumstances and communities.

**(f) Planning for people**

47. The Government's key housing objective is to increase significantly the delivery of new homes. The planning system should deliver a sufficient quantity, quality and range of housing.
48. The draft Framework removes Government targets specifying the level of housing development that should take place and the proportion of development that should take place on previously developed land. Local Authorities will be required to determine their own level of housing need, through a Strategic Housing Market Assessment (SHMAA), and supply, through a Strategic Housing Land Availability Assessment (SHLAA).
49. Current national policy requires 60% of all new housing to be built on previously developed ('brownfield') land. The Government wishes Councils to be able to determine the most suitable sites for homes reflecting local circumstances, and the draft NPPF deletes the brownfield requirement.
50. The draft Framework requires Councils to have a rolling five year supply of deliverable sites to meet their housing needs with at least a 20% additional allowance to create competition and choice in the land market. Councils will be required to identify a supply of specific, developable sites or broad locations for growth for years 6-10 and where possible for years 11-15. Councils must ensure that their Local Plans meet the full demand for market and affordable homes in their areas.

51. The Government proposes that local thresholds for affordable housing will be removed to enable local authorities to seek optimum solutions for their areas.
52. The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
53. Councils are required to deliver a wide choice of quality homes and widen opportunities for home ownership. They are expected to do this with an understanding of demographic trends, tenures and affordable housing.
54. The draft Framework says that the Government attaches great importance to the design of the built environment and sees a strong link between good design and good planning. Sustainable development will be secured through good design securing attractive, usable and durable places. Nevertheless, design policies should avoid unnecessary prescription or detail and should focus on the design 'fit' of new development in relation to neighbouring buildings and the local area more generally.
55. Policies are expected to go beyond aesthetics and address the connections between people and places and the integration of new development into the natural built and historic environment. Innovative design is to be encouraged. Developers will be expected to bring forward proposals that take account of the community's views and proposals that have been developed following engagement with the community should be looked on more favourably.
56. Planning policies are expected to identify specific needs and quantitative or qualitative deficits or surpluses of community facilities, open space, sports and recreational facilities. Open spaces should not be built on unless an assessment clearly shows them to be surplus to requirements or the needs clearly outweigh the loss.
57. The importance of the Green Belt is emphasized and existing policy regarding its aims and purposes and inappropriate development remains. However, the right to alter or replace buildings now applies to all buildings, not just dwellings, and sites which have been previously developed no longer have to be identified through a Local Plan for redevelopment to be allowed. The scope for local transport infrastructure to be located in the Green Belt has been extended beyond park and ride facilities. The Government wants to see a more strategic approach taken to green infrastructure and better protection and management of this. A new designation of Local Green Space is identified to enable land that is valued by local communities to be protected and the draft Framework sets out specific criteria for its designation and the policy approach to taken to development on such areas.

58. The draft Framework is intended to assist in the creation of strong, vibrant and healthy communities. Local communities are expected to have a role in developing a shared vision of the residential environment and the facilities they wish to have. The draft Framework strengthens the protection of community facilities.
59. The Government intends to include the planning policy statement on travellers (which was the subject of recent consultation) in the final Framework. It is seeking stakeholders' views on this approach and the consistency of that statement with the draft Framework.

**(g) Planning for places**

60. The key objective in regard to the environmental component of the guidance relates to the objective that planning should fully support the transition to a low carbon economy in a changing climate, taking full account of flood risk and coastal change. The Government requires the planning system to secure radical reductions in greenhouse gas emissions and to avoid inappropriate development in areas at risk of flooding. The primary means of achieving these objectives will be through the location of new development and the use of sustainability standards for new buildings. Such standards will be the pre-eminent consideration in evaluating proposals. Local councils will not have to set de-centralised energy targets.
61. The draft Framework broadly maintains the current sequential, risk based approach to flooding in the current guidance whilst suggesting that in the longer term the approach will be to address flood risk through avoidance rather than mitigation.
62. The Government objective is that planning should help deliver a healthy natural environment for the benefit of everyone and safe places which promote well being. There are measures to protect valued landscapes and minimize the impacts on biodiversity and geo-diversity. For noise and pollution, the focus will be on ensuring the right location and relying on other controls to protect amenity. Policies and decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life.
63. The Government wishes to see the historic environment and its heritage assets conserved and enjoyed for the quality of life they bring to this and future generations. The draft Framework incorporates and streamlines existing heritage policy. Councils will be required to set out a strategy for the conservation and enjoyment of the historic environment. The draft Framework says that if proposals affect heritage assets then, in all but exceptional circumstances, they should be refused if they would cause harm or result in loss. Councils are advised to consider if proposals would have an enabling benefit to conserve a heritage asset.

**(4) Issues arising from the draft National Planning Policy Framework for Havering**

64. This section of the report considers the issues that officers consider arise from the draft Framework in regard to the possible implications for Havering in its plan-making and development management roles. The focus of the review has been the policy themes raised by the draft Framework rather than the Impact Assessment.
65. It is recommended that the *italicised* comments below form the basis of the response from the Council along with the detailed observations on specific issues in the draft Framework set out in Appendix 1.
66. Subject to Member approval, officers will prepare a composite response document setting out the comments below and those in the consultation template and this will be submitted to the Government.
67. The recommended comments (both below and in the Appendix) reflect current Council policies and priorities as set out in its several current planning and regeneration strategies as well as comments that have been made in response to other consultations.

**(a) The overall approach behind the draft National Planning Policy Framework**

68. The draft Framework generally retains the policy themes within existing planning policy guidance notes and planning policy statements. The draft Framework is, however, much more concise than the current suite of national policy and guidance documents. One of the stated reasons for this approach is to remove the considerable amount of repetition, and sometimes conflict, which currently exists.
69. *It is welcome that the draft Framework reflects much existing practice. In principle, presenting national planning policy in a clear, simplified and concise form is supported*
70. The commitment in the draft Framework to securing economic growth and providing a positive planning culture to enable this to take place can be highly supported particularly where this will help strengthen local businesses as it closely accords with the Council's intentions for ensuring that Havering has a vibrant and thriving economic base. In turn, this will help enhance prosperity in the borough and this will contribute to improved quality of life.
71. There are some contradictions in the draft Framework, some omissions and some loose wording which due to the document's concise nature raise concerns for interpretation. Some topics in the Framework (such as climate change) would benefit from further clarification and explanation albeit it would add to the length of the document. The draft Framework provides no

information on the transition between the existing and proposed planning systems.

72. In the light of these concerns, Officers consider that the Framework may not provide the climate of certainty that the Government intends and that it may not facilitate the cultural shift envisaged.
73. *The Framework should provide more clarity on some key topics such as climate change. It should be more clear about the transition between the current system and the new one, especially about the implications for plan-making.*

**(b) Opportunities for 'localism'**

74. *The commitments to reasonable local discretion, and engaging the community in plan making so that the latter reflects a collective vision and a set of agreed priorities, are broadly welcomed.*
75. However, against this, it is a concern that by reason of being in the National Planning Policy Framework, some aspects of the guidance may override legitimate local community priorities and objections at planning inquiries. This may undermine the principles of localism underpinning the draft Framework and the wider approach to planning being promoted by the Government.
76. *The Framework should explicitly emphasise the importance of local considerations in local planning decisions, and should require inquiry Inspectors to give them due weight alongside the Framework rather than stating that it will always take precedence.*

**(c) Presumption in favour of 'sustainable development'**

77. At the start of the draft Framework sustainable development is defined as being a balance between economic, social and environmental considerations. Thereafter, the term seems to be used to imply only **economic** development.
78. Confusion about how the draft Framework defines 'sustainable development' is also highlighted by the section on design in 'Planning for People'. The objective for this is 'to promote good design that ensures attractive, useable and durable places. This is a key element in achieving sustainable development'. Officers consider that this can be supported but it should be consistently reflected elsewhere in the Framework.
79. *The Framework should explicitly state that the presumption in favour of development only applies to development which is socially and environmentally, as well as economically sustainable, in relation to matters highlighted in the draft Framework for the avoidance of ambiguity. The*

*Framework should properly reflect the importance of good design in contributing to the role of planning in terms of place –making.*

80. *Notwithstanding this, in the context of ‘sustainable development’, the focus in the Framework on both the natural and historic environments is to be welcomed since these contribute significantly to the quality of life and well being in many places including Havering.*
81. The Glossary is helpful in setting out what makes up heritage assets and the historic environment. It is welcome that the draft Framework says heritage assets include buildings, monuments, places or landscapes positively identified as having a degree of significance meriting consideration in planning decisions.
82. In order to provide appropriate local protection, it is essential that the Framework makes clear that such matters must be properly taken account of in a balanced manner when issues of sustainable development are being considered.
83. *The Framework should recognise that there may, in appropriate circumstances, be valid reasons for refusal where it is necessary for such assets to be afforded local protection.*

**(d) The economic focus of the Framework**

84. Notwithstanding the issue of what will constitute ‘sustainable development’, the clear economic growth focus, set out in the draft Framework, together with the commitment to securing new homes will support a careful, and balanced, re-assessment of established planning and regeneration approaches to some of the key areas of Havering including London Riverside and Romford.
85. There is, however, a concern that the focus on economic growth in the Framework may be allowed to override environmental protection and other sustainability considerations, particularly in appeal decisions. With the very clear statement in the draft Framework that authorities ‘.....should approve all individual proposals wherever possible’, the ability of the Council to successfully resist development which it considers out of step with Havering’s priorities may be jeopardised.
86. *This part of the Framework should be expanded to make clear that proposals are to be approved wherever possible, “unless there are serious adverse social or environmental effects which would make the development unsustainable.”*

**(e) The role of local plans**

87. The Government regards up to date Local Plans as those which will be consistent with the NPPF. Local planning authorities are expected to have

up to date Local Plans in place as soon as practical after the NPPF comes into effect.

88. It is clear that the Government expect Local Plans to be based on a robust and thorough evidence base. This is supported but it must be recognised that a balance will have to be struck between evidence gathering, the timely preparation of plans and the available resources.

89. *The emphasis on Councils co-operating to prepare their plans is supported and is particularly important for a borough like Havering where many shoppers and workers travel across borough boundaries.*

90. The document also states that it will be open to local planning authorities to seek a certificate of conformity with the Framework. However, details on how this process will work have not yet been announced by CLG. The absence of this information may create uncertainty and concern which will be counter to one of the main aims of the Framework.

91. While the certification process for conformity is presented as optional, local authorities may be forced to seek certificates to avoid likely challenges to the status of plans.

92. *Unless the Statement of Conformity process is clarified in the Framework and streamlined in its delivery, it could result in uncertainty in the planning process as authorities 'queue' for their conformity certificate. Any delay from the Statement of Conformity process may directly conflict with the timely delivery of growth-led plans and be counter to achieving the growth that the Government aspires to.*

#### **(f) The plan-led system maintained**

93. Members will recall that the Havering Local Development Framework was one of the first LDFs prepared in London. It has formed a robust land use plan for the borough and a strong and successful context for the Council's 'Living Ambition' and regeneration agenda.

94. *Retaining the plan-led focus of planning is consistent with the approach that has been taken to statutory land use planning in Havering and this is strongly supported.*

95. *In the light of the Framework's strong presumption in favour of sustainable development, the default answer to development being 'yes' may be at odds with the plan-led approach emphasised by the Framework.*

#### **(g) The role of other planning documents supporting Local Plans**

96. Inevitably, by reason of its brevity, the draft Framework does lose significant detail about how national policy is to be applied and interpreted at a local level. It is unclear from the draft Framework if the intention is that this void



should be filled by Local and / or Neighbourhood Plans, or whether this is considered unnecessary.

97. *It is accepted that local plans should not be overly prescriptive but the Framework should recognise that clear and detailed policies provide certainty for developers and speed up the decision making process and so assist economic growth.*

98. There is also concern that the draft Framework reduces the scope for local authorities to prepare Supplementary Planning Documents (SPDs). SPDs have a useful and positive role in providing guidance on the application and interpretation of planning policies. Members will be aware that this Council has adopted several SPDs to support the LDF dealing with important topics such as design guidance and the protection of areas of specific character such as Hall Lane, Upminster and Emerson Park in recognition of the importance of maintaining and enhancing the distinct character of these areas since they help provide the borough with its high quality environment. In due course, further guidance is expected to be prepared for areas such as Gidea Park because of its significant and long-standing heritage role in Havering.

99. *There will be an important role in the new planning system encompassed within the Framework for SPD-type guidance in interpreting local circumstances if the published Framework retains the simplicity and brevity of the draft.*

#### **(h) Neighbourhood Plans and planning**

100. Presently, relatively little has been confirmed by the Government about Neighbourhood Plans including who will be able to prepare them and when this work can take place.

101. Although Neighbourhood Plans should be 'in general conformity with the strategic policies of the Local Plan', officers are concerned that coverage of the borough with a Local Plan prepared by the Council may, over time, be undermined if several Neighbourhood Plans are prepared, particularly as the Government suggests that neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan.

102. Furthermore, it would appear that local authorities may have to facilitate the preparation of Neighbourhood Plans whilst the individual neighbourhoods themselves will do this work. Whilst the Council is committed to ensuring that plan-making in Havering reflects community priorities, officers consider that the absence of information about who can prepare Neighbourhood Plans and what will be involved in this and when, or what will qualify as a neighbourhood forum, is a major concern. Officers consider that questions remain over the appetite and capacity for neighbourhoods for this activity.

103. It is also possible that there may be significant differences between neighbourhoods in a local authority area and this may impact on the practicality of preparing such Plans.

104. It is also hard to see how Neighbourhood Plans may deal with contentious issues (that may have strategic dimensions) in a local area any more satisfactorily than the plans prepared by a Council. There may also be a resourcing issue in terms of demands placed on Council staff.

105. *The draft Framework should be much clearer about Neighbourhood Plans in regard to their status relative to Local Plans and their preparation. It will be essential for there to be clarity in the Framework on what will qualify as a neighbourhood forum and who in the community can form one. The Framework should also set out the requirements that must be satisfied by any such forum before any work on a Neighbourhood Plan can start.*

**(i) What the Framework means for plan making in Havering**

106. The Government intends that the new Local Plans referred to in the draft Framework will replace the existing system of Local Development Frameworks. Havering has had its Local Development Framework in place since 2008.

107. Officers have started work to replace the Havering LDF. This is with the intention of Members having a consultation version of a new Local Plan, prepared in accordance with the approach in the Framework, available for consideration in 2012/13. If the draft Framework becomes effective as soon as the Government intends, the Council will be well placed to ensure that its new Local Plan will be a close 'fit' with it (as will be required for it be 'sound').

108. Whilst the detailed content of the new Local Plan for the borough is still to be decided and its form may be influenced by any practical guidance that the Government publishes in support of the draft Framework, the importance of promoting business growth and attracting investment is likely to be a significant priority.

109. The preparation of a growth-led Local Plan for Havering that balances the economic, social and environmental needs of the borough will, in principle, accord with the approach of the Framework and have the potential to closely link the Council's agenda with it.

110. *The overarching principle of the draft Framework and its focus on economic growth is welcomed since the economic strength and vitality of Havering forms the context for the successful and timely delivery of the Council's 'Living Ambition' agenda and maintaining and enhancing the quality of life in Havering. The Council expects that this priority will be*

*reflected in the new Local Plan for Havering which will, in due course, replace the existing Havering Local Development Framework.*

**(j) What the Framework means for development management in Havering**

111. The draft Framework makes clear that in the absence of an up to date Local Plan, consistent with the Framework, planning applications should be determined in accordance with the Framework, including the presumption in favour of sustainable development. Since the publication of the draft Framework, the Planning Inspectorate has issued guidance on this matter for its Inspectors. It states that the draft Framework is 'capable of being a material consideration although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.'

112. Recognition of the role of negotiation and pre-application discussions within the development management process is welcomed.

113. There is also a risk that the concise nature of the Framework and the absence of a clear and workable definition of sustainable development along with its greater room for subjective interpretation of policy and material planning considerations, may lead to more legal challenges and in some cases, a greater tendency towards planning 'through case law'.

114. *The Framework's presumption in favour of sustainable development is likely to increase the number of cases where mediocre proposals have to be negotiated to a better quality position rather than be refused, which will impact on resources.*

115. *The draft Framework does not address the issue of enforcement and this is a major concern.*

116. The issue of the immediate implications of the draft Framework for development management are addressed in Section 6 (below).

**(k) The provision of new homes**

117. In accordance with the London Plan, the Council has sought to maximise housing supply in Havering.

118. *The focus on the provision of new homes that underpins the draft Framework is also supported in principle although it is the delivery of new homes that should be the focus rather than supply.*

119. *The Framework should recognise that demand and need across London will almost always be greater than supply, particularly in boroughs like Havering with a relatively constrained urban area and a commitment to safeguarding the Green Belt. Moreover, in some cases, decisions have to*

*be taken over whether it is more important for sites to be used for housing or employment uses, as the latter may contribute more to the economic growth which the Government wishes to see.*

120. *Boroughs like Havering should be able to take account of the opportunity presented by windfall sites as these have formed an important, and reliable, component of housing in Havering over the years and they form an important part of the particular circumstances of the London situation.*

121. *In a London context, it is unrealistic to expect a five year land supply to be maintained, nor is it reasonable to require an additional allowance of 20% on the specific deliverable sites ('ready to go') in so far as there is no justification /explanation for this figure.*

### **(l) Heritage**

122. *The existing national guidance on Heritage issues is quite recent compared to other aspects of the overall suite of national planning policy guidance.*

123. *The Framework's guidance on heritage issues rather than simplifying matters may make discussions around proposals involving heritage more complex and protracted thus slowing down the delivery of development. This may be a particular problem where heritage led regeneration proposals are under consideration.*

124. *The 'generalist' nature of the heritage section of the Framework is likely to require local planning authorities themselves to undertake considerable work on these matters. This may have significant implications for how successfully 'heritage' can be resourced within Councils. How, and the extent to which Councils tackle this, is likely to be variable across the country and it may result in disparate approaches to protecting and enhancing heritage especially in relation to statutorily protected buildings and sites which may be, in the longer term, detrimental to the nation's heritage assets.*

### **(m) Transport**

125. *The draft Framework streamlines the core current approach rather than brings about fundamental changes. Many aspects of it reflect the Council's approach as set out in the draft Local Implementation Plan.*

126. *It is encouraging that in the Framework, the Government has taken a balanced approach and understands that people will wish to have choice about how they travel and that transport solutions will vary from location to location and in different communities. It is also helpful that overall need to reduce car usage should be done 'where practical'. The recognition afforded to the provision of transport infrastructure to support economic growth is helpful and reflects what the Council has pushed hard for at London*

*Riverside which is a major regeneration priority for the Council and the London Mayor.*

127. Havering continues to have strong competition from centres such as Lakeside and Bluewater (both with several thousand 'free of charge' car parking spaces) as well as from Stratford Westfield which opened recently with very good public transport linkages to / from the wider East London area and beyond.

128. *The proposal in the Impact Assessment that maximum non-residential car parking standards be deleted so that Councils may set their own standards to take account of local circumstances and priorities is welcomed. It accords with the wider 'localism' agenda and will afford businesses and their customers flexibility and choice. Along with the other comprehensive initiatives being implemented, it will enable the Council and its partners to respond positively to the competition elsewhere.*

**(n) Out of centre offices**

129. The Framework proposes a less restrictive approach to out of centre office development. This approach is being considered as part of the Mayor's Outer London Commission work.

130. *Provided this is accompanied by public transport provision, this may assist the economic regeneration of outer London boroughs like Havering.*

**(o) Well-being and quality of life**

131. The Framework sees the principle of sustainable development as enabling people to enjoy a better quality of life. Several references are made in it to the 'well-being' of the community and its health. Local planning authorities, says the draft Framework, should work with health organisations, plan for creative industries, set policies to meet leisure needs, ensure access to open spaces and recreational facilities and plan positively for facilities such as meeting places and places of worship. The introduction of a new designation of Local Green Space is noted but greater clarity should be provided on the protection to be afforded to these. These were identified in the Coalition Agreement as being 'similar to SSSIs (Sites of Special Scientific Interest). The draft Framework is ambiguous about the protection afforded to these saying 'local communities will be able to rule out new development other than in very special circumstances' and, later, 'local policy for managing development in these should be consistent with the policy for Green Belts'.

132. Officers acknowledge the role of these in contributing to well-being and quality of life. Many of these are reflected in the Council's own policies and will help deliver the 'Living Ambition' agenda in Havering with its focus on a high quality of life.

133. Many of these topics embrace what has previously been seen as 'culture' and will be taken forward through the Council's emerging Culture Strategy and other linked strategies.
134. *The Framework should explicitly recognise the importance of issues such as the need for arts facilities (including performance facilities), libraries, galleries and opportunities for the interpretation of local history through facilities such as museums. It should also highlight the particular importance of the appropriate provision of play spaces for children. It is a concern that there is no indication in the draft Framework that 'recreation' encompasses anything other than physical activity as all references to it are linked to 'sports' and this interpretation is too narrow.*
135. *'Culture' should be explicitly recognised in the published Framework since this will benefit individuals, assist in the delivery of vibrant and inclusive communities and places, enhance town centres and contribute towards the economic growth underpinning the Framework.*
136. *The opportunity to designate Local Green Space is noted. As announced in the Government's Coalition Agreement document, these were expected to have similar status to SSSIs. However, the draft Framework is ambiguous about the protection afforded to these and provides a mixed message about the circumstances where development may be allowed. The published Framework should clarify the circumstances in which development may be allowed.*

**(p) Gypsies and traveller issues**

137. The Government is seeking views about the relationship between the Framework and the recently published draft Planning Policy Statement on travellers, even though the Framework does not explicitly address this matter.
138. The section on Green Belt policy is consistent with the recent statement although these groups are not specifically mentioned. The draft Framework identifies a commitment to creating sustainable, inclusive and mixed communities. It is unclear how the final published Framework with its focus on brevity will accommodate the policy section of the recent draft Government statement on travellers published in summer 2011 which ran to 6 pages.
139. The Council's response on this matter in summer 2011 addressed several issues and it is recommended that these be re-submitted to the Government as part of the response to the draft Framework to re-affirm its approach to this issue. In summary, the Council's response said that it wished to see the distinction in the policy between gypsies and travellers and travelling show people maintained, it supported the removal of the needs assessment and its replacement with a robust evidence base for assessing local needs and it supported targets for pitches being set by local planning authorities

alongside other planning policies and priorities. The Council disagreed with local needs being assessed in the light of historical demand and did not support having to plan for a 5 year supply of pitches. The Council wished to see the policy approach be consistent with the established approach in Planning Policy Guidance Note 2 (Green Belts) and said it did not agree with planning policy for these groups being aligned with other forms of housing.

140. *The final, published Framework should include the Government's policy on gypsies and travellers as it would be most unhelpful and contradictory for this to remain in a separate free-standing policy document.*

**(q) The draft Framework and the London Plan**

141. The draft Framework does not address the issue of the London Plan which forms an important part of the planning process for all London Boroughs in terms of their plan-making and development management roles. The London Plan is part of the development plan system, together with the Framework and Havering's own Local Plan, that proposals will have to be tested against. It is a particular concern that the absence of any reference to the London Plan means that issues with a strategic significance for London such as minerals and waste are not addressed.

142. The London Mayor published his latest London Plan in summer 2011 just before the draft Framework was published. GLA officers have informally indicated that they consider the London Plan to be in accordance with the draft Framework.

143. Setting aside its formal role in the development plan system, the London Plan may help address for London Boroughs any 'gaps' in policy coverage resulting from the 'thinning down' of national policies. On the other hand, there is a concern that aspects of the Framework fail to recognise the specific circumstances of London.

144. The Mayor has indicated that notwithstanding the recent publication of the London Plan he may bring forward early reviews of elements of it along with the preparation of further guidance.

145. Officers consider that Boroughs may need to become more closely involved in setting future priorities for further versions of the London Plan if it is to have a role in providing a London-wide interpretation of the Framework.

146. It is understood that the Mayor is considering the Framework along with possible implications for London Plan policies, in terms of any response he submits to it.

147. *The Framework should recognise the importance of the Mayor's London Plan in land use planning terms and its role in setting a context for other Mayoral strategies. It should provide clarity about the respective roles of the*

*Framework and the London Plan and in appropriate circumstances it should address issues with a strategic significance for London such as waste and minerals.*

**(5) Other stakeholders' views**

148. Members will be aware that the draft Framework has generated extensive media coverage and put planning high on the agenda for many organisations and commentators.

149. The Government has already responded to several of the comments raised in order to provide guidance and clarity on how it wishes the Framework to be implemented. For example, the Prime Minister has written to the National Trust in response to its concerns on the Green Belt and countryside aspects of the draft Framework.

150. At the time of preparing this report, the position of many stakeholders was still being finalised. It is clear also that most stakeholders will focus their responses on issues that are particularly of relevance to themselves.

**(a) London Councils**

151. London Councils are expected to generally welcome the simplification of the existing 'voluminous' (their words) guidance but to raise concerns about specific aspects of the draft NPPF.

London Councils are expected to urge boroughs to prepare and adopt Local Plans in recognition of the importance of there being an up to date Local Plan in place. London Councils are also expected to raise concern about the 'gaps' that may arise in planning policy from such a significant editing of current policy but have noted that the London Plan may have a role for London Boroughs in this regard. It expects boroughs to have to be more closely involved in future London Plan work to ensure that it meets their requirements. It is understood that London Councils are concerned that the proposals are 'anti-localist' as there will be an emphasis on local authorities and objectors having to prove disbenefits of proposals. London Councils are also expected to question the potential savings that the Government sees the Framework as delivering and has noted that the current system already achieves a significant number of planning approvals (in the region of 85%).

**(b) The Association of London Borough Planning Officers**

152. The Association of London Borough Planning Officers (ALBPO) has responded to the Government on behalf of planning officers across London. Its comments have been endorsed by the Planning Officers Society (an umbrella group representing Chief Planning Officers), the London Thames Gateway Development Corporation and the Olympic Delivery Authority. ALBPO has commented on several aspects of the draft Framework.



153. ALBPO welcomes 'the direction that the Government has taken in reducing the amount of guidance and level of prescription in national planning policy'. It supports the pre-eminent role of sustainable development sitting within the context afforded by up to date Local Plans.

154. ALBPO has expressed concern about the lack of understanding given to the cumulative impacts of development. It has stressed the importance of the role of the London Plan being properly recognised and the need for transitional arrangements being in place so that Councils can transfer between the current system and the new one. It is concerned about the reduced role for Supplementary Planning Documents.

155. ALBPO supports the Government's objectives around economic growth but wants a balanced perspective which takes account of the medium and longer term as well as short term market pressures.

156. Whilst ALBPO supports the housing focus of the draft Framework, it raises concerns that the housing section of the draft Framework does not recognise the specific circumstances of London.

157. ALBPO has concerns about the 'design' aspects of the draft NPPF and wants to see 'design' included as a Core Principle.

The approach of the draft Framework to heritage is broadly supported by ALBPO but it wishes to see greater recognition of the role of heritage led regeneration.

**(c) Greater London Authority**

158. The formal views of the Greater London Authority had not been published at the time of preparing this report. It is understood from GLA officers that there is concern that the London plan is not mentioned given its importance for the land-use planning in London and that it forms the overarching strategy for several other Mayoral strategies, at the adverse implications for localism, the absence of any recognition of the special (and unique) circumstances that form the context for regeneration and planning in London, the lack of rigour about the definition of 'sustainable' development, the strong case for 'brownfield' development in London to avoid other areas (such as the Green Belt) being subject to intense development pressures, the potential merit (in appropriate circumstances) of increasing locational flexibility towards offices and the need to achieve a proper balance between housing and employment land. It is understood that the GLA may also comment on the approach in the draft Framework to housing land availability and need for an integrated approach to be taken to parking and traffic management. Finally, it is expected that the GLA may highlight the continued importance of monitoring and the importance of a realistic approach being taken to the research and evidence gathering that must underpin Local Plans.

**(6) What the draft Framework means for decisions on planning applications in Havering**

159. Notwithstanding these considerations, Officers consider that there is merit in the Council reflecting the draft Framework in its development management role through Regulatory Services Committee as far as it is able, and appropriate, to do so.

160. Therefore, this report includes a specific recommendation about the Framework being taken into account for development control purposes in the interim period before the Local Plan that will replace the LDF is available.

**(7) Conclusion**

161. The existing planning system has been refined progressively over the past 60 or so years and has survived a number of economic downturns. The draft Framework represents an important and thorough overhaul of the existing system with a very clear focus on the delivery of economic expansion and new homes within a very positive planning for growth culture.

162. Much in the draft Framework can be supported and it is recommended that Havering broadly welcomes it. There are clear parallels between the approach of the Framework and the Council's own priorities particularly those aimed at ensuring that Havering is a prosperous and dynamic borough where people wish to live and businesses want to invest. There will be opportunities for the Local Plan that replaces the Havering Local Development Framework in the next 2-3 years to take these forward.

163. Nevertheless, some elements of the Framework require clarification and further work if it is to deliver the Government's agenda and ensure that proper regard is had to social and environmental considerations at the local level. Submitting a response to the Government along the lines recommended (in Section 4 and Appendix 1) provides the opportunity for Havering to be involved in the extensive debate taking place on the draft Framework.

164. Finally, the draft Framework will need to be taken into account in dealing with planning applications. The report has set out those circumstances and how much weight it should be afforded.

## **REASONS AND OPTIONS**

### **Reasons for the decision :**

To ensure that Havering's views on the draft National Planning Policy Framework are taken into account by the Government when it finalises the Framework.

### **Other options considered :**

The National Planning Policy Framework will set out the Government's planning policies and, importantly, will also set out very clearly how 'planning' should take place to best deliver economic growth.

As such, it will provide a context for the Council's own planning and regeneration policies and programmes and the assessment of development proposals. It is important that Havering responds to the consultation on the draft Framework and the option of not responding has been discounted.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

The Government is responsible for the preparation of the National Planning Policy Framework and there are unlikely to be direct financial implications for the Council in this regard. The Government's current finance reforms may also overlap with issues raised by the Framework.

The draft Framework will need to be taken into account from now onwards when the Council is considering proposals for its own land.

If the Framework is published by the Government, then the Council will have to take it into account in the preparation of its replacement Local Development Framework (which will be the Havering Local Plan). The preparation of this will be met from the existing, and future, provision in the Development and Transport Planning Group budget.

### **Legal implications and risks:**

The provisions of the Planning and Compulsory Purchase Act 2004 cover the status of national planning policy in plan preparation and development management.

This report confirms (in Section 6) that the draft National Planning Policy Framework is capable of being a consideration for planning decisions although the weight that can be attached to it for plan making and development management purposes is limited at this stage.

The Planning Inspectorate has said that ‘the weight given to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance Notes and Circulars remain in place until cancelled’.

**Human Resources implications and risks:**

At this stage it is not possible to assess the detailed implications of the draft Framework. Staff in the Regeneration service will be responsible for the preparation of the Council’s Local Plan that will replace the Havering Local Development Framework. Staff in the Development and Building Control service will have responsibility for implementing the Development Management aspects of the Framework.

**Equalities implications and risks:**

The draft Framework sets out planning policies that are intended to benefit everyone in the community. A fundamental aim of the Framework is to help create mixed and inclusive communities. The Government sees the planning system as facilitating social interaction and it wants local planning authorities when implementing the Framework to involve all sections of the community.

The Government has published an extensive Impact Assessment as a companion document to the draft Framework. Under the heading Statutory Equality Duty, it concludes that the draft Framework will benefit everyone – communities, local councils and businesses – because national planning priorities will be more clearly understood across a wider range of people. The impact Assessment particularly highlights the significance of the Framework in this regard to different racial groups, disabled people and older people.

**BACKGROUND PAPERS**

None

**Appendix 1**

In addition to the points highlighted in Section 4 as forming the basis of the recommended response to the consultation, set out below are more specific comments which should also be submitted.

**A. Policy questions**

<b>Q. No</b>	<b>Section</b>	<b>Consultation Question</b>
1a	Delivering sustainable development	<p>The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p>
1b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><b>Overall</b></p> <p>Havering supports the general principle of stimulating economic growth and planning having a key role in delivering growth.</p> <p>There are inconsistencies in the draft Framework in respect of the definition of 'sustainable development' – in its later pages, it appears to comprise mainly 'economic' development.</p> <p>Havering considers that within 'sustainable development', the guidance should better balance short and medium term growth with the longer term and ensure that this is not at the expense of the social and environmental aspects of sustainable development.</p> <p>The draft Framework should explicitly state that the presumption in favour of development only applies to development which is socially and environmentally as well as economically sustainable, in relation to the matters highlighted in the Framework.</p>
2a	Plan-making	<p>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.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/</p>

Q. No	Section	Consultation Question
		<p>Disagree/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>Overall, the maintenance of the plan-led system of planning is supported.</p> <p>The absence of any guidance on the transitional arrangements between the existing planning situation and the intended arrangements is a strong concern.</p> <p>Guidance from the Government on the practical issues of plan making in the new regime (eg the form of Local Plans and content) will be welcome.</p> <p>Para. 21 - Supplementary Planning Documents have a useful role in providing guidance on the application and interpretation of planning policies. SPDs have enabled Havering to adopt several guidance documents on design and the protection of specific areas of special character in the borough. Havering considers that there will be a continuing and important role for SPDs to interpret local circumstances if the published Framework retains the brevity and simplicity of the draft.</p> <p>Para. 26 - Clarification is needed promptly on how the conformity issue will be dealt with. It is essential that this does not derail the prompt delivery of plans or local authorities being able to confirm that their plans accord with the Framework. Councils who await a certificate of conformity for a recent plan prepared under the existing system should not be disadvantaged.</p> <p>Para. 27 - The importance of a robust evidence base to underpin Local Plans is supported but a balance has to be struck between evidence gathering, timely plan preparation and available resources.</p> <p>Para. 49 - Much more clarification is needed on Neighbourhood Planning and their relationship with their overarching Local Plan(s) and the roles of the several stakeholders in this process. This is particularly important given the significance that the Framework gives to up to date Local Plans. Havering is concerned that individual Neighbourhood Plans may conflict and that there may be significant resourcing issues which conflict with the Council's ability to deliver the rest of the changes and culture shift underpinning the Framework.</p>



Q. No	Section	Consultation Question
3b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><b>Overall</b></p> <p>There is some concern that the emphasis appears to be on achieving <b>more</b> development, rather than on <b>good</b> or <b>appropriate</b> development.</p> <p>It is essential that there is an appropriate balance achieved between securing development to promote growth and ensuring that the essential characteristics of places like Havering which provide the reason for people wanting to live here and invest here are not compromised.</p> <p>The Framework should explicitly emphasise the importance of local considerations local in local planning decisions and should require Inquiry Inspectors to give them due weight alongside the Framework rather than stating that it (the Framework) will always take precedence.</p> <p>It is a very strong concern that Enforcement is not dealt with in the draft Framework. PPG18 Enforcement has informed the Council's own policy work and Enforcement Code.</p> <p>Paras. 10 and 13 are contradictory as the latter places more emphasis on the economic aspects of development.</p> <p>Para. 14 'without delay' should be defined.</p> <p>Para. 19 - The overall approach of the draft Framework to 'design' is supported but it should include this in the Core Principles.</p> <p>Bullet point 3 - 'takes into account.....market signals such as land prices, commercial rents' is too vague. (See also later comment in town centres section).</p> <p>Bullet point 5 - 'reduce pollution' is not appropriate for a section dealing with heritage issues.</p> <p>Para. 57 - needs to be more positively worded to say that developers who engage in the pre-application process are likely to benefit from speedier decisions.</p> <p>Para. 74 - this places a significantly onerous burden on local</p>



Q. No	Section	Consultation Question
		<p>planning authorities and may have adverse costs implications following Appeals.</p> <p>Para. 75 - 'long term' should be defined.</p> <p>Para. 83 - 'where reasonable to do so' is vague and weakens the policy.</p> <p>Para. 110 - other policies may need to be taken into account.</p> <p>Para. 120 - 'should' to be replaced with 'encouraged to' as not all authorities will wish to have design reviews.</p> <p>Para. 142 - it would be sensible for these paragraphs to be headed 'Development in Green Belts'.</p> <p>Para. 146 - what does 'elements' refer to?</p>
4a		<p>Any guidance needed to support the new Framework should be light-touch and could be provided by Organisations outside Government.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/<b>Strongly Disagree</b></p> <p>It is contradictory to indicate that the Framework will be supplemented by further guidance when this guidance (eg on heritage issues) exists and has been edited out of the Framework in the drive to shorten it.</p> <p>It is unclear as to who could produce such guidance.</p>
4b		<p>What should any separate guidance cover and who is best placed to provide it?</p> <p>See comments above (4(a)).</p>
5a	Business and economic development	<p>The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p>
5b		<p>Do you have comments? (Please begin with relevant</p>

Q. No	Section	Consultation Question
		<p>paragraph number)</p> <p><b>Overall</b></p> <p>In general, these policies are broadly supported as the Council is committed to ensuring that Havering has a strong and vibrant economy as part of its 'Living Ambition' agenda. This will help foster further investment and benefit residents and their quality of life and well being.</p> <p>Havering has a started work on replacing its LDF with a Local Plan that will accord with the requirements of the Framework. The importance of promoting business growth and attracting investment is likely to be a significant priority. The preparation of a growth led plan that balances the economic, social and environmental needs of the borough will, in principle, accord with the approach set out in the Framework and have the potential to link the Council's agenda to it.</p> <p>Nevertheless, there is a concern that the focus in the Framework may be allowed to over-ride environmental protection and other sustainability considerations particularly in Appeal decisions. The comment that authorities '..... should approve all individual proposals wherever possible' should be expanded so that proposals are approved wherever possible 'unless there are serious adverse social or environmental effects which would make the development unsustainable'.</p> <p>Opportunities for commercial office development to be in locations other than town centres are supported in principle provided that these are accessible / well served with public transport since this accords with the more flexible approach that the London Mayor is investigating with his Outer London Commission work.</p> <p>Para 75 - 'Planning policies should avoid the long term protection of employment land or floorspace ...' This approach runs counter to London Plan and Borough policies on Strategic Industrial Locations (SILs). The new London Plan strengthens the protection of SILs and states that proposals should normally be refused unless for industrial or ancillary uses.</p> <p>Para. 75 - The Framework should set out what 'market signals' are and avoid a short term, knee-jerk reaction which may result in the loss of valuable employment land so that local planning authorities can make proper planned provision for 'sustainable' economic growth.</p>

Q. No	Section	Consultation Question
5c		<p>What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?</p> <p>No comment.</p>
6a        6b		<p>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.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><b>Overall</b></p> <p>The focus on town centre development is broadly appropriate.</p> <p><b>Detailed comments</b></p> <p>The Framework should more explicitly recognise the importance of town centre location being the first choice for most activities and facilities that the community have access to including jobs.</p> <p>The Framework should explicitly recognise the importance of 'culture'. The section of the Framework dealing with town centres may be an appropriate place for this because culture can also generate economic wealth as well as be essential in its own right for individuals and the community.</p> <p>This should encompass issues such as the need for arts facilities (including performance facilities), galleries and libraries and opportunities for the interpretation of local history through facilities such as museums. The Framework should also highlight the particular importance of the appropriate provision of play spaces for children.</p> <p>Culture being explicitly recognised in the published Framework will benefit individuals, assist in the delivery of vibrant and inclusive communities, enhance town centres and contribute towards the economic growth underpinning the Framework.</p> <p>It is a concern that there is no indication in the draft Framework that 'recreation' encompasses anything other than physical</p>

<b>Q. No</b>	<b>Section</b>	<b>Consultation Question</b>
		<p>activity as all references to it are linked to ‘sports’ and this interpretation is too narrow.</p> <p>See above for comments in regard to office development.</p> <p>(Comments on Local Green Space are included in the section dealing with the Natural Environment below)</p>
7a	Transport	<p>The policy on planning for transport takes the right approach.</p> <p>Do you: <b>Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</b></p>
7b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>Havering has strong competition from centres such as Lakeside and Bluewater with several thousand car parking spaces. The proposal in the Impact Assessment that maximum non-residential car parking standards be deleted so that Councils may set their own standards to take account of local circumstances and priorities is welcomed. It accords with the wider ‘localism’ agenda and will afford businesses and their customers flexibility and choice.</p>
8a	Communications infrastructure	<p>Policy on communications infrastructure is adequate to allow effective communications development and technological advances.</p> <p>Do you: <b>Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</b></p>
8b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>None.</p>
9a	Minerals	<p>The policies on minerals planning adopt the right approach.</p> <p>Do you: <b>Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</b></p>
9b		<p>Do you have comments? (Please begin with relevant paragraph number)</p>

Q. No	Section	Consultation Question
		<p><b>Overall</b></p> <p>The brevity of the guidance is welcome and the main topics are addressed albeit some important detail that may have benefitted other stakeholders is absent.</p> <p>There is no mention of the sequential approach to minerals as set out in MPS1. This encouraged the use of secondary aggregates (recycled material) over the extraction of primary aggregates.</p> <p>Formal site monitoring should be referred to and Minerals Planning Authorities advised that they can undertake chargeable site monitoring visits.</p> <p>Reference should be made to landfilling and waste planning guidance as this should be considered when dealing with applications for minerals extraction.</p> <p>Further detail should be provided on the ‘aftercare’ of sites and it should be defined in the Glossary.</p> <p>‘Landbank’ should also be dealt with as above.</p> <p>There is no mention of Residents Liaison Committees which provide an opportunity for stakeholders to address issues arising from minerals planning permissions.</p> <p>Para. 102 - the reference to ‘unacceptable’ in regard to noise limits is a major concern. It infers a large move away from normally acceptable criteria. It will be more appropriate for it to be replaced with ‘adverse significant impact’ as this would link better to environmental impact assessment methodology and terminology (and consistent with para. 173 of the draft Framework). Similar considerations apply in respect of para. 164.</p>
10a	Housing	<p>The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.</p> <p>Do you: Strongly Agree/Agree/<b>Neither Agree or Disagree</b>/Disagree/Strongly Disagree</p>
10b		<p>Do you have comments? (Please begin with relevant paragraph number)</p>

Q. No	Section	Consultation Question
		<p><b>Overall</b></p> <p>The emphasis in this section is on boosting housing supply and this is supported in principle.</p> <p>Para. 109 - It must be recognised that demand and need across London will almost always be greater than supply, particularly in boroughs like Havering with a relatively constrained urban area and a commitment to maintaining the Green Belt. Moreover in some cases, decisions have to be taken over whether it is more important for sites to be used for housing or employment uses as the latter may contribute more to economic growth which the Government wishes to see.</p> <p>Bullet point 2 - In a London context, it is unrealistic to expect a five year land supply to be maintained, nor is it reasonable to require an additional allowance of 20% on the specific deliverable sites. The Framework sets out no justification for this figure in any event.</p> <p>Bullet point 4 - In the London context, it is proper that Councils should be able to take account of housing opportunities on 'windfall' sites and this must be recognised in the Framework.</p> <p>Bullet point 7 -The continued support for empty property activity is welcomed.</p> <p><b>Additional points :</b></p> <p>It is noted that the issue of gypsies and travellers is not specifically addressed in the draft Framework but that the Government wishes stakeholders to comment on this matter in the light of any response provided to the earlier DCLG consultation on planning for travellers.</p> <p>The Council's response on this matter in summer 2011 said, in summary, that it wished to see the distinction in the policy between gypsies and travellers and travelling show people maintained, supported the removal of the needs assessment and its replacement with a robust evidence base for assessing local needs and supported targets for pitches being set by local planning authorities alongside other planning policies and priorities. It disagreed with local needs being assessed in the light of historical demand and did not support having to plan for a 5 year supply of pitches. The Council wished to see the policy approach be consistent with the established approach in</p>

Q. No	Section	Consultation Question
		<p>Planning Policy Guidance Note 2 (Green Belts) and did not agree with planning policy for these groups being aligned with other forms of housing.</p> <p>The Council strongly considers that the policy for these groups should be set out within the published National Planning Framework rather than in a separate free-standing document. It is encouraged that the Impact Assessment supporting the draft Framework says this is the intention (para. 37).</p>
11a	Planning for schools	<p>The policy on planning for schools takes the right approach.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p>
11b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>None.</p>
12a	Design	<p>The policy on planning and design is appropriate and useful.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>Do you have comments or suggestions? (Please begin with relevant paragraph number)</p>
12b		<p>Havering recognises the importance of high quality design and takes a proactive and robust approach to ensuring that proposals meet its design requirements. This is to help ensure that the essential character and appearance of the borough is maintained and enhanced for the benefit of residents and to provide the best setting for further investment.</p> <p>Design should be included in the Core Principles (Para. 19).</p>
13a	Green Belt	<p>The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p>

Q. No	Section	Consultation Question
13b		Have you comments to add? (Please begin with relevant paragraph number)  None.
14a            14b	Climate change, flooding and coastal change	The policy relating to climate change takes the right approach.  Do you: Strongly Agree/Agree/ <b>Neither Agree or Disagree</b> /Disagree/Strongly Disagree  Do you have comments? (Please begin with relevant paragraph number)  <b>Overall</b>  The draft Framework lacks sufficient detail to guide local planning authorities in addressing issues on climate change and flooding. There is much in the document that is left open to interpretation. This makes the delivery of any meaningful outcomes and improvements in the environmental standards of new development problematical . Good progress has been made in recent years in delivering environmental improvements by setting out the standards that new developments are required to deliver, by way of the Code for Sustainable Homes and BREEAM.  It would be helpful to have more clarity in the Framework regarding how the objectives and aspirations should be achieved.  If too much is left open to interpretation this may actually hinder the planning process and development management.
14c       14d		The policy on renewable energy will support the delivery of renewable and low carbon energy.  Do you: Strongly Agree/ <b>Agree</b> /Neither Agree or Disagree/Disagree/Strongly Disagree  Do you have comments? (Please begin with relevant paragraph number)  Paras. 152-153 -The approach to supporting the delivery of renewable energy and the presumption in favour of sustainable



Q. No	Section	Consultation Question
		<p>development is welcomed.</p> <p>The provision for local authorities to identify suitable areas for renewable and low-carbon energy sources will require the development of evidence to support this and this should be recognised in the section on 'Using a proportionate evidence base'</p>
<p>14e</p> <p>14f</p>		<p>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</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>Para. 154 – It is welcome that new developments should be designed to avoid increased vulnerability to impacts arising from climate change. However, it would be useful if the Framework outlined the key impacts arising from climate change that new development should anticipate addressing.</p>
<p>14g</p> <p>14h</p>		<p>The policy on flooding and coastal change provides the right level of protection.</p> <p>Do you: Strongly Agree/<b>Agree</b>/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>Para. 156 -The Council supports the recommendations to apply a sequential and risk-based approach to avoid flood risk.</p> <p>However, to support local authorities in taking account of the uncertainty over future climate change impacts, it would be useful to have an indication of precautionary sensitivity ranges for peak rainfall intensity and river flow (as currently included in Appendix B of the current Planning Policy Statement 25).</p> <p>Para. 157 -The Framework should include greater emphasis on the application and utilisation of Sustainable Drainage Systems (SuDS) in the management of flood risk for local planning</p>

<b>Q. No</b>	<b>Section</b>	<b>Consultation Question</b>
		authorities which will be required in the vast majority of new developments in line with the Floods and Water Act requirements.
15a	Natural and local environment	Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.
15b		<p>Do you: Strongly Agree/Agree/<b>Neither Agree or Disagree</b>/Disagree/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>Paras. 128-132 The opportunity to designate Local Green Space is noted. As announced in the Government’s Coalition Agreement document, these were expected to have similar status to SSSIs. However, the draft Framework is ambiguous about the protection afforded to these and provides a mixed message about the circumstances where development may be allowed. The published Framework should clarify the circumstances in which development may be allowed.</p> <p>Para. 164 – the term ‘unacceptable’ implies a large move away from normally acceptable criteria and is not appropriate. It should be replaced with ‘adverse significant impact’ as this is consistent with environmental impact assessment and terminology. Similar considerations apply to para. 102.</p>
16a	Historic environment	This policy provides the right level of protection for heritage assets.
16b		<p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/<b>Disagree</b>/Strongly Disagree</p> <p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><b>Overall</b></p> <p>The guidance does not provide adequate guidance for heritage issues. Its brevity is likely to make the discussions around heritage issues more complex and protracted and this will be counter to the overall aim of the guidance to speed up the</p>

Q. No	Section	Consultation Question
		<p>development process.</p> <p>It is likely to result in local planning authorities having to undertake considerable additional work at a time of limited resources and constrained budgets. It is likely to result in variable quality heritage guidance and advice nationally and this will be to the detriment of the overall national heritage assets.</p> <p>CLG should seek to substantively increase the number of terms defined in the Glossary, this would improve the usability of the NPPF without significantly altering its overall content</p>
17a	Impact Assessment	<p>The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:</p> <p>Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?</p>

**B: Impact assessment questions**

QA1	We welcome views on this Impact Assessment and the assumptions/ estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.
QA2	Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?
QA3	Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?
QA4	Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

QA5	What behavioural impact do you expect on the number of applications and appeals?
QA6	What do you think the impact will be on the above costs to applicants?
QA7	Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?
QB1.1	What impact do you think the presumption will have on: i. the number of planning applications; ii. the approval rate; and iii. the speed of decision-making?
QB1.2	What impact, if any, do you think the presumption will have on: i. the overall costs of plan production incurred by local planning authorities? ii. engagement by business? iii. the number and type of neighbourhood plans produced?
QB1.3	What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?
QB1.4	What impact, if any, do you think the presumption will have on the number of planning appeals?
QB2.1	Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?
QB2.2	Is 10 years the right time horizon for assessing impacts?  Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?
QB2.3	How much resource would it cost to develop an evidence base and adopt a local parking standards policy?
QB2.4	As a local council, at what level will you set your local parking standards, compared with the current national standards?  Do you think the impact assessment presents a fair representation of the costs and benefits of this policy change?
QB2.5	Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?
QB3.1	What impact do you think removing the national target for brownfield

	development will have on the housing land supply in your area? Are you minded to change your approach?
QB3.2	Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?
QB3.3	Will you change your local affordable housing threshold in the light of the changes proposed? How?
QB3.4	Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?
QB3.5	How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?
QB3.6	How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?
QB3.7	Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?
QB4.1	What are the resource implications of the new approach to green infrastructure?
QB4.2	What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?
QB4.3	Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?
QB4.4	How will your approach to decentralised energy change as a result of this policy change?
QB4.5	Will your approach to renewable energy change as a result of this policy?
QB4.6	Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?