

## **RESPONSE TO THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK FROM THE RURAL SUSTAINABLE DEVELOPMENT NETWORK**

The Rural Sustainable Development Network is a group of established independent practitioners who specialise in delivering sustainable development in rural areas. The network has extensive expertise in local economic development; community engagement, community led planning, spatial planning; conservation and environmental projects and rural affordable housing. A common element to all our work is planning policy and practice. Our response draws on our combined expertise gained from working with local authorities, rural communities, rural businesses and those involved in economic development, land owners, developers and housing associations.

The members of the Rural Sustainable Development Network are shown below:

Ivan Annibal	Rose Regeneration
David Gluck	Ruralis
Rob Hindle	Rural Innovation
Jo.Lavis	Rural Housing Solutions
Alison McLean	Alison McLean Consulting
Frances Rowe	Ruralimpact
James Shorten	C4G
Brian Wilson	Brian Wilson Associates

We welcome the objective of the Framework to simplify the planning system, to promote collaborative plan making and local decision making, and to enable appropriate and sustainable development to improve the conditions for all of our communities, urban and rural. We do have concerns, however, that in its current form the Framework is likely to generate certain "unintended consequences" which would be contrary to its overarching objective. We have set out these concerns in the submission below, and where we believe it is helpful have offered suggestions for specific amendments to the Framework.

We would be pleased to explain our views in more detail if that would prove useful.

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**Our Response:**

<b>SECTION</b>	<b>RESPONSE</b>
<p><b>Sustainable development</b></p>	<p><b>1A Strongly Disagree</b></p> <p>We are very concerned that the helpful integrated approach to sustainable development set out in paragraphs 10 and 11 and shaped in paragraph 19 is not carried through to the rest of the document. Instead the focus shifts to giving precedence to development to support economic growth e.g.: paragraphs 13/54.</p> <p><i>Issue</i>  <i>The switch away from an integrated approach undermines the promotion of sustainable development and in consequence undermines the ability of local planning authorities to put it at the heart of plan making and decisions. Specifically we consider there are three significant dangers arising from the shift away from a consistent definition of sustainable development " development that requires integrated action to meet social, economic and environmental needs":</i></p> <ol style="list-style-type: none"> <li><i>1. the focus on development to support economic growth will not necessarily meet the social and environmental aspects of sustainable development and will in consequence, undermine other objectives of NPPF</i></li> <li><i>2. There is a danger that inappropriate development will be allowed which fails to address, or exacerbates needs – damaging rather than supporting the creation and maintenance of sustainable mixed rural communities (para 107)</i></li> <li><i>3. Development that does not meet communities’ needs could quickly lead to their alienation/opposition to development. This leaves significant questions about the Government’s commitment to localism and the involvement of neighbourhoods in planning for their communities.</i></li> </ol> <p><b>Recommendations</b></p> <p><b>1. Insertion of a paragraph after paragraph 10.</b></p> <p><b><i>‘All references to sustainable development in this Framework include these three elements.’</i></b></p> <p><b>2. All references to sustainable economic development in the NPPF should be replaced with the words ‘sustainable development’</b></p>

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SECTION	RESPONSE
<p><b>Plan -making</b></p>	<p><b>2A Disagree</b></p> <p>We consider that the tests set out in paragraph 48 will not help achieve the NPPF ambition to deliver sustainable development for the following reasons:</p> <ul style="list-style-type: none"> <li>• The first test is weighted towards meeting development requirements, not meeting Sustainable Development requirements with an integrated approach to addressing social, economic and environmental needs.</li> <li>• There is nothing in the tests that requires LPAs to respond to the diversity of circumstances that exist across the plan area or to address different local conditions.</li> </ul> <p><i>Issue</i></p> <ol style="list-style-type: none"> <li>1. <i>The focus on development and infrastructure requirements could result in local plans failing to promote integrated approach to Sustainable Development.</i></li> <li>2. <i>Experience shows that the adoption of policies which support sustainable development in urban areas fail to address the need for appropriate development in rural areas to build sustainable rural communities.</i></li> </ol> <p><b>2 B</b></p> <p><b>Paragraph 23</b></p> <p>Listing what the Local Plan’s strategic priorities should cover is helpful, but the current wording does not require LPAs to respond to the diversity of their Plan area; this could undermine the delivery of sustainable development in rural areas.</p> <p><i>Issue – Experience, which has been well documented by a plethora of research and Government commissioned Inquiries, (e.g. Living Working Countryside, Taylor M) is that LPAs have adopted strategic policies that have delivered sustainable development in an urban context, but which have either ignored or been at the expense of promoting sustainable development in rural areas.</i></p> <p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. <b>Include a requirement that strategic priorities should deliver:</b></li> </ol>

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### **'Thriving neighbourhoods and rural communities'**

#### **Paragraph – 26**

We fully accept the need for up to date Local Plans that address social, economic, environmental requirements and conditions, However, 48 % of local authorities do not have an up to date Local Plan or Core Strategy. Rural planning authorities typically have 4 to 6 staff in their Local Plan team and so do not have the resources to produce an up to date Local Plan in advance of the NPPF coming into force.

#### *Issue:*

*There is a significant danger that some developers will use lack of up to date Local Plan and insufficient land supply to bring forward development proposals that do not meet local requirements or further the objectives of the NPPF. This is, especially the case in those rural communities identified in existing plans or emerging Core Strategies as service centres.*

*This risk of this approach is greatest where an existing Local Plan has a very restrictive approach to development in rural areas, and where its policies and evidence base for affordable housing, including 'saved policies' are out of date. This position is widespread, especially amongst smaller district planning authorities.*

*The paragraph also provides for uncertainty with regard to the creation of Neighbourhood Plans. If there is no up to date Local Plan with which policies will they need to be in conformity?*

#### **Recommendation**

**That the decision not to grant a certificate of conformity clearly identifies the policies that are judged to be out of line with the NPPF and the LPA is given a set period of time in which to amend policy/ prove land supply. During that period the existing Local Plan policies should remain in place, unless updated by an adopted Neighbourhood Development Plan. This facility could be time limited to a year after adoption of the NPPF.**

#### **Paragraph 39**

This paragraph includes the phrasing that policies should be "deliverable in terms of viability" and requires that "any obligations, including affordable housing should 'provide acceptable returns to a willing landowner and willing developer to enable the development to be deliverable"

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### *Issue*

*The definition of "acceptable" will be very subjective and potentially result in dispute with attendant costs and delay. Without a robust evidence base there is a danger that other contributions from development, including higher environmental standards to address climate change and affordable housing will be reduced. In so doing the ability to deliver sustainable development could be compromised.*

*Without a transparent and consistent process for determining viability there is a danger that the price of land will increase. This is likely to reduce the level of affordable housing, particularly as grant is so scarce, and other sustainable development benefits delivered by appropriate development..*

*Those localities without an up to date local plan will be particularly vulnerable.*

### **Recommendations**

- 1. The NPPF includes a specific requirement for LPAs to undertake an economic viability assessment to ensure that their policy and actual delivery of affordable housing is viable and achieves sustainable development.**
- 2. The nature of an appropriate return is rephrased to:  
*Provides a fair return for everyone – landowner, developer and community.***

### **Paragraphs 49-52 - Neighbourhood Plans**

Whilst these paragraphs set out the role of NDPs and their status, there is no clear statement that the purpose of the NDP, as part of the planning system, should be to promote or to achieve sustainable development.

### *Issue*

*This could risk in NDPs failing to consider/support the need for development to meet the social and economic needs of their community. In effect they could by omission be used to prevent development.*

### **Recommendation**

**That the NPPF requires NDPs to promote sustainable development as defined in the NPPF and that one of the tests at independent inquiry is whether the NDP promotes**

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	<p><b>sustainable development within the area covered by the NDP.</b></p>
<p><b>Decision taking</b></p>	<p><b>3A Agree</b></p> <p><b>3B - paragraph 67</b></p> <p>States that planning obligations should only be used to address unacceptable impacts.</p> <p><i>Issue</i> <i>This ignores that fact that Planning Obligations can be used as a mechanism for achieving sustainable development benefits from development, so promoting an integrated approach. For example creating or enhancing natural habitat can offset negative impact, but is also a positive gain.</i></p> <p><b>Recommendation</b></p> <p><b>1. NPPF includes reference to the positive role that Planning Obligations can play to maximise social, economic and environmental benefits from development.</b></p>
<p><b>Planning for prosperity</b></p>	<p><b>5A – Agree/Disagree</b></p> <p>It is helpful that the objectives include the need to raise the quality of life in rural areas by promoting thriving, inclusive and locally distinctive communities. (para 73)</p> <p>The inclusion of specific advice for rural areas in paragraph 81 is helpful, but the phrase ‘rural businesses’ is too narrow and we are very concerned that paragraph 75 seeks to enable the redevelopment of land currently used or allocated for employment use for alternative uses.</p> <p><b>5B</b></p> <p><b>Paragraph 75</b></p> <p><i>Issue:</i> <i>We recognise the need to maximise the development potential of previously development land. We are concerned however that directing Local Planning Authorities to "avoid long term protection of employment land" will create a position where it is impossible to retain sites for employment use within market towns, villages and smaller rural settlements as a consequence of their much higher value for residential development. With little or no employment land, there is no ability for small firms to grow in situ, more likely they will have to move to an urban area. This adds to lack of diversity in the local labour market and may restrict opportunities, for young people for example, to access quality jobs. In turn this contributes to a low wage</i></p>

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	<p><i>economy with the consequential impact that people reliant on this economy cannot acquire a local home where they can afford to live.</i></p> <p><i>This policy, allied with any requirement for previously developed land to receive priority for development regardless of the relative merits of alternate sites (as proposed by the National Trust) is likely to lead to exclusively residential development within smaller settlements; this will have the direct consequence of reducing rather than enhancing sustainability.</i></p> <p><b>Recommendation</b> That the paragraph should add the wording "for its own sake" after the phrase "should avoid long term protection of employment land or floor-space." The policy should direct Local Planning Authorities to treat applications for alternative use of employment sites on their merits, having regard to market signals, the impact on the sustainability of the community, and the relative need for different land uses.</p> <p><b>Paragraph 81</b></p> <p><i>Issue</i> <i>The wording used is 'rural businesses'</i></p> <p><i>There is a danger that this wording could be too narrowly defined by LPAs to restrict business development to that which they believe is directly related to "rural" activities (for example farm diversification and tourism). This will not encourage LPAs to respond to the narrow economic base inherent in many rural areas, with attendant impact on incomes, skills and supporting entrepreneurship.</i></p> <p><b>Recommendation</b></p> <p><b>1. The wording is changed in first bullet of para 81 to read: 'Support the sustainable growth of businesses in rural areas'.</b></p>
<p><b>Transport</b></p>	<p><b>7A Agree</b></p> <p>The recognition of the need for different policies and measures to maximise sustainable transport solutions in rural areas is helpful (para 82)</p> <p>Similarly The requirement in paragraph 88 of the need to take account of the need to be responsive to local circumstances and support</p>

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	<p>mixed and inclusive communities in a rural context when considering location of development and need to minimise travel is very helpful</p>
<p><b>Housing</b></p>	<p><b>10A Agree and disagree</b></p> <p>The overall objectives are helpful, particularly the need to create sustainable, inclusive and mixed communities. However, elements of this section will undermine the achievement of this objective.</p> <p><b>10B</b></p> <p><b>Paragraph 110</b></p> <p>There is a danger that these objectives will not be achieved because of the lack of a clear definition of sustainable development and the apparent conflict with how this sits with the promotion of development to support sustainable economic development which exists in the Framework. This conflict is highlighted in this paragraph by requiring that applications are considered in accordance with the presumption in favour of sustainable development <b>and</b> ‘when assessed against the policies in this Framework taken as a whole’. It is further heightened by the requirement that ‘Planning permission should be granted where this is the position, where relevant policies are out of date e.g. they cannot demonstrate a five year land supply of deliverable housing sites’.</p> <p><i>Issue:</i>  <i>There is a significant risk that some developers will use the lack of up to date Local Plan and insufficient land supply to put forward development that does not meet local requirements or will adequately address the needs of a local community.</i></p> <p><i>This is particularly an issue where a Local Plan has a very restrictive approach to development in rural areas, and where its policies and evidence base for affordable housing, including ‘saved policies’ are historic and appear to be increasingly out of date.</i></p> <p><i>It is also unclear what the position will be for developments in statutorily designated areas, such as National Parks, where in order to meet their statutory purposes the LPA has not maintained a five year land supply, and in some instances have even adopted a “nil” housing requirement.</i></p> <p><i>There is also a lack of clarity in terms of what would be the</i></p>

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*position if an approved Neighbourhood Development Plan was in place but the LPA could not demonstrate a five year land supply. Which would take precedence on this point, the NDP or the NPPF?*

### **Recommendation**

- 1. That the decision not to grant a certificate of conformity clearly identifies the policies that are judged to be out of line with the NPPF and the LPA is given a set period of time in which to amend policy/land supply. This facility could be time limited to a year after adoption of the NPPF.**
- 2. The NPPF clarifies that the over-riding protections that exist in statutorily designated areas mean that the need for a five year land supply is not required and that where the Local Plan for such areas is out of date, consideration of planning applications will take full account of the LPA's wider statutory purposes and duties**

### **Paragraph 111**

The requirement that LPAs identify and plan for a mix of housing in different locations, reflecting local demand is helpful. We also welcome that where the need for affordable housing is identified LPAs they should set policies for meeting the need on site or off site.

However, we are very concerned that there is no requirement to base these policies on an economic viability assessment.

#### *Issue 1*

*The absence of an economic viability assessment potentially leaves LPAs vulnerable to challenge or dispute with attendant costs and delay to the disbenefit of the LPA and developers.*

*Without a transparent consistent process for determining viability there is a danger that land costs will escalate which is likely to reduce affordable housing provision, particularly as grant is so scarce.*

*This will be particularly an issue when determining appropriate levels of cross subsidy from market housing on rural exception sites.*

*Relying simply on an "acceptable value" (para 39 ) is far too vague and likely to result in escalation of land prices, which will*

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*consequently reduce the level of affordable housing provision.*

### **Recommendation**

- 1. The NPPF includes a requirement for LPAs to set their affordable housing policies using an Economic Viability Assessment.**

### **Issue 2**

*The wording that the agreed approach to off-site contributes to the objective of creating mixed and balanced communities could be misused. There are examples where LPAs have chosen to use a contribution made to support a mixed and balanced community elsewhere, ensuring that the development makes no contribution whatsoever to that objective within the **host** community. This position could undermine or alienate community support for development which has been secured on the basis of gaining a direct community benefit in the form of affordable housing.*

### **Recommendation**

**Change last clause of 3<sup>rd</sup> bullet to read:**

**And the agreed approach does not undermine the creation of a mixed and balanced community in the location that will host the development, or the wider network of communities of which the host forms a part .**

### **Paragraph 112**

It is helpful that there is specific guidance for provision of housing and affordable housing in rural areas. The requirement for this to be responsive to local circumstances and requirements is very helpful.

The promotion of the use of cross subsidy to facilitate significant affordable housing in rural areas is extremely helpful and we would like to see this retained in the final version of the NPPF as an option for allocated and rural exception sites.

### *Issue*

*BUT the rest of the paragraph could undermine these requirements, the achievement of the overall objectives of sustainable development, and the Government's housing objective ( para 107) of creating sustainable, inclusive and mixed communities in rural areas.*

*Many rural LPAs do not have an up to date Local Plan and/or are still dependent on the rural exception site policy to deliver affordable housing. The current approach in the NPPF potentially leaves those areas exposed to unrestricted*

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*development where there are no policies in place to secure affordable housing. The NPPF identifies the need to meet affordable housing requirements, but without specific mention in the NPPF of the range of policy mechanisms which can be used in rural areas (including rural exception sites), the market for land will immediately be affected, making "exception sites" impossible to acquire at prices that will enable the delivery of 100% affordable housing and which will significantly increase the cost (in terms of provision of open market housing) of cross subsidy. In consequence the ability to secure housing on both allocated and exception sites, which supports mixed, balanced and inclusive rural communities will be significantly reduced.*

*Support from rural communities for development in their settlement is often dependent on assurances that the homes provided will meet local needs for affordable housing and will be designed and situated in a manner which enhances the character and functionality of the host community. If inappropriate development goes ahead communities will not feel they have been involved and will at best disengage, at worst take action to prevent further development.*

*The lack of public grant for affordable housing will make cross subsidy essential for most future rural developments. However, for many communities addressing the current imbalances in the community/housing stock require that the majority of the development is for affordable housing, or the type of housing which might not necessarily suit the business model of a third party developer. Securing this type of housing is only possible when the cost of land is restrained. It needs provide some uplift for the landowner, without jeopardising the provision of affordable housing.*

*This can be achieved by embedding a policy for cross subsidy within a rural exception site approach or using a defined land value that will deliver a stated % of affordable housing on rural sites.*

### **Recommendation**

**Amend paragraph 112 to read:**

**In rural areas, planning authorities should be responsive to local circumstances and plan housing development to reflect local requirements, particularly for affordable housing. The policies they use are a matter of local choice, but they should be based on evidence and a full understanding of local circumstances and conditions. LPAs might: allocate sites for a mix of market and affordable housing; not allocate any sites, but set targets for residential development and require**

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	<p><b>a percentage of any development to be affordable housing, defined with reference to local needs and a local benchmark land value; use rural exception sites, without and with market housing limited to that which funds the affordable housing.</b></p> <p><i>Issue</i> We <b>strongly disagree</b> with the last clause of paragraph 112.</p> <p><i>Requiring that housing in rural areas should "not be located in places distant from local services" will result in many local planning authorities reverting back to development policies based on simplistic settlement hierarchies defined in terms of levels of service provision. The ARHC and Matthew Taylor's report clearly demonstrated that this approach has and will continue to undermine the sustainability of smaller rural communities, is unresponsive to the community's aspirations for their village, and exacerbates the problem of a lack of a suitable range, type and of affordable housing in rural communities.</i></p> <p><b>Recommendation</b> <b>Remove last sentence from para 112 and insert additional para</b></p> <p><b>To promote sustainable development in rural areas housing, including affordable housing, should be located where it can be demonstrated that the scale and type of development proposed will enhance sustainability of rural communities (taking account of the relationships between settlements) so that growth redresses imbalances in the type and tenure of housing available in the community; supports informal social support networks and local economic activity; and where possible provides environmental benefits.</b></p>
<p><b>Sustainable Communities / Local Green Space</b></p>	<p>We are disappointed to note that a consultation question has not been posed against this section.</p> <p><b>Paragraph 130</b></p> <p>We support the principle of providing a national designation that communities can use to protect "cherished spaces" from the threat of development. We are concerned however that this principle should not be abused, and that it could be undermined by being open to challenge from developers if the criteria are too vague.</p> <p><i>Issue</i></p> <p><i>This designation could be used by communities to stop development as the criteria that define a space as 'special' are very broad. This could repeat the barrier to providing rural</i></p>

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	<p><i>affordable housing that has arisen from the use of vexatious village green applications.</i></p> <p><i>The Government has accepted the problems with Village Green Applications and is taking steps to prevent their vexatious use.</i></p> <p><b>Recommendations</b></p> <p><b>1. To avoid Local Green Space being used to prevent development that would support the sustainability of the community, the NPPF should set out the same safeguards that are now to be introduced to stop vexatious use of Village Green Applications.</b></p> <p><b>2. Where the Local Green Space designation is made through the Local Plan, rather than a Neighbourhood Plan or Neighbourhood Development Order the LPA should require evidence that the proposal has the wide support of the community.</b></p> <p><b>3. Add bullet points where it is considered as part of a package of allocations or other measures that improve the sustainability of the community.</b></p> <p><b>Action to allocate Local Green Space must begin before development has commenced and have broad community/neighbourhood support.</b></p>
<p><b>Green Belt</b></p>	<p><b>13B</b></p> <p><b>Paragraph 144</b></p> <p>The clarity in terms of what is an exception to inappropriate development is hugely important and should be retained.</p> <p>However there are other small scale uses beyond affordable housing that would support the sustainability of rural communities in the Green Belt.</p> <p><b>Recommendation</b></p> <p><b>The definition of infilling should specifically include other uses than housing, for example small scale development to support enterprise, employment, services or community facilities.</b></p>
<p><b>Natural</b></p>	<p><b>15 B</b></p>

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<b>Environment</b>	<p>This section is the only part of the NPPF that specifically mentions National Parks and AoNBs. In consequence the only specific advice offered by the NPPF to the planning authorities in these areas addresses environmental protection/conservation and their approach to major development in this context.</p> <p><i>Issue</i></p> <p><i>There a danger that NPAs and LAs with AoNBs will focus on this section alone and give it pre-eminence above the important wider socio-economic requirements placed on LPAs – particularly paragraphs 112, 73 and 81.</i></p> <p><i>Also we are concerned that the generic advice offered in terms of the presumption in favour of sustainable development might be particularly problematic for National Park Authorities and those LPAs with AoNBs in their territory as it fails to take account of, or at least reference the particular circumstances and statutory requirements that they face.</i></p> <p><b>Recommendation</b></p> <p><b>Addition of bullet point to para 167</b> <b>In planning for these areas, policies and decisions should contribute to achieving the statutory purposes and duties of these protected areas, whilst using the mechanisms and approaches set out in this Framework to support appropriate sustainable development in their communities.</b></p>
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