



**Consultation on the Government's proposal for a new
National Planning Policy Framework**

A response from the National Trust

October 2011

Foreword by Fiona Reynolds

We welcome the intentions behind the draft National Planning Policy Framework. However, the document as currently written will not meet those intentions. Fundamentally, it fails to set out a compelling, ambitious and balanced vision for how planning can improve the quality of life and the environment for everyone.

The National Trust does not make a habit of opposing Government policy. But on this occasion we perceived such a degree of threat to our charitable purposes, which relate to the protection of the wider landscape, that we had little choice but to make a firm stand. Over two hundred thousand people signed our petition and our response reflects their concerns. We urge you to take it into full account.

That is not to say that we object to every aspect of the policy – far from it. We welcome your emphasis on localism and share the ambition to give local people more say in the issues that affect them. We welcome your desire to reduce delay and bureaucracy. As occasional developers ourselves, we agree the current planning system would benefit from simplification. We welcome the aspiration set out in the Foreword to the draft policy and by the Prime Minister in his letter to us, that development should be balanced between social, environmental and economic goals.

But we do not believe the draft NPPF meets these goals. In continually and repeatedly emphasising the primacy of economic growth in the document and creating the presumption in favour of sustainable development we believe it constructs a fundamentally unbalanced system driven by short-term goals. At best, this will create confusion and misinterpretation; at worst, it will undo much that was achieved by our planning system since 1947.

Our position on all of these issues is set out in our full consultation response.

The draft NPPF is an opportunity to set out a bold and truly sustainable vision for England's future. Such a vision should help us reconcile population pressures with the creation of better places to live and an enhanced quality of life for all. It should seek to create complete, connected communities that people are proud of and which truly integrate social, economic and environmental needs. It should move beyond the language of the environment as merely a limit on development, and instead see enhancing that which sustains us as an aim of development. In short, it should inspire smart, sustainable growth. The planning guidance that follows should reflect that vision in all aspects – from housing, to social wellbeing, resource management, food security, transport, environmental health, and economic sustainability.

We urge you, at this moment in the process, to stand back and consider whether the draft NPPF does that. In 1947 we created a planning system that has lasted 60 years. While not perfect, its benefits have been admired the world over. We question whether in 2011 and with the current draft National Planning Policy Framework you are doing the same. You have the opportunity to do so.

A handwritten signature in black ink that reads "Fiona Reynolds." The signature is written in a cursive, flowing style.

Fiona Reynolds

Introduction

1. The National Trust is pleased to offer this response to the Government's consultation on their proposed new National Planning Policy Framework.
2. The National Trust is a leading conservation charity of 4 million members. Established over 115 years ago, our primary statutory purpose is to promote the preservation of special places for the benefit of the nation.¹ To achieve this aim we manage over a quarter of a million hectares of land, more than 700 miles of unspoilt coastline and estuary, several hundred historic houses, gardens and parks, and 6 World Heritage Sites. More than 100 million visits are made every year to the properties in our care.
3. The National Trust is a major business as well as a charity. We own Europe's largest network of holiday cottages and gift shops, are a large-scale landlord and farming enterprise, and on occasion we also act as a developer, creating visitor facilities, converting buildings for business use, and constructing housing to support our conservation work. In fact, over the last ten years the National Trust has built or had consent for over 900 homes to be sold on a commercial basis, as well as a number of affordable homes for rent.

The National Trust's broad position

4. The National Trust has championed a strong, effective land use planning system in England since the 1920s. We strongly believe in the fundamental principle that planning exists to serve the public's present and future interests. It is an essential tool for balancing a variety of land-use interests in the pursuit of an overriding public one.
5. The National Trust supports a robust planning system as the best way to guide good development to the right place, and a means to ensure that poorly designed proposals and those in the wrong location don't get built. A robust system protects the things that matter to us all, from open spaces, green fields and productive agricultural land to much-loved historic city centres, towns and villages. A strong and effective system also delivers the high-quality new homes, shops and services that communities want, where they want them, helping to support economic growth.
6. At the same time, effective planning should minimise the burdens of bureaucracy, cost and delay. It should provide certainty about the ground rules by which decisions are made. But it should ensure freedom within this framework, so that individuals, companies and communities can exercise choice for the long-term in a balanced way.
7. The National Trust therefore supports an evidence-based, plan-led system as the best means to provide certainty and confidence, and to deliver 'smart' growth: good development in the right place which we can be confident meets long term needs while respecting environmental limits. We support streamlining the planning system where appropriate to make it easier to participate in, and we support the shift towards a greater local say.

¹ Under section 4 of the National Trust Act 1907 and section 3 of the National Trust 1937

The Government's reforms

8. In the context of their proposed reforms the Government has suggested that it is seeking to enable sustainable development where appropriate, to safeguard the things people value like heritage and green space, to offer local people a greater say in place-shaping, and to create a faster, more efficient planning regime. The National Trust supports these aspirations in principle, and we would like offer general comment on each.

A balanced framework is necessary to deliver genuinely sustainable development.

9. The National Trust welcomes the Government's recognition in paragraph 2 of the NPPF that planning has a key role to play in securing a sustainable future. We also support, as set out in paragraph 9, the Government's ongoing commitment to sustainable development as the core principle underpinning planning. We further note that s.39 (2) of the Planning and Compulsory Purchase (PCP) Act 2004 also places a statutory duty on those exercising a planning function to do so "*with the objective of contributing to the achievement of sustainable development*".
10. To serve the public's interests and deliver genuinely sustainable development, the National Trust believes that the planning system must allow objective consideration of economic, environmental, and social benefit from within a neutral framework i.e. one which does not overtly weight one benefit over the others. We recognise that planning decisions are not always easy, and that the system must arbitrate and mediate between different and even competing interests in the quest for overall public benefit. That is why taking an integrated and balanced approach to plan making and decision taking is vital to reconciling the full spectrum of interests involved in a local context.
11. The NPPF sets out the principle of balance in paragraph 11: '*There is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly*'
12. We agree with this guiding principle, but do not believe that the NPPF as drafted will deliver the necessary planned and balanced approach.
13. The NPPF currently states that 'planning should *proactively drive...development*' (paragraph 19) and that '*significant weight* should be placed on the need to *support economic growth* through the planning system" (paragraph 13, also 54). Decision makers are told to '*approve all individual proposals wherever possible*', and assume the '*default answer to development proposals is yes*' (paragraph 19).
14. The impact assessment which accompanies the NPPF makes the significance of such policy statements clear. It identifies the liberalisation of planning policy as a major benefit to the private sector (page 4), and states that "*the framework is pro-growth for both urban and rural areas*" (page 97). At the same time it admits that "*policy changes... could lead to greater development on greenfield land. This would impact on the environment*" (page 95).
15. Facilitating economic growth is an appropriate objective of the planning system, but it is not the only one. The distinctive role of planning has been to deliver public benefit by integrating economic, environmental and social goals. We remain very concerned that such an overtly pro-growth NPPF will make it difficult to defend long-term commitments to highly sustainable developments against shorter term speculative ones. We further note that short-term economic growth that results in negative long-term environmental or social consequences is not good for the continuing prosperity of the country.

16. The National Trust believes that the NPPF should be rewritten throughout so that it establishes the correct framework for integrating economic, environmental and social concerns. This should include a clear and workable definition of sustainable development based on the UK Sustainable Development Strategy and a clear explanation of how the planning system will deliver it in practice whether in terms of plan making, decision taking or any appeals process.
17. We also believe that any presumption in favour of development should only apply to demonstrably sustainable development, where the plan or development proposal in question can be shown to deliver multiple and balanced outcomes in relation to economic growth, environmental protection or gain and social benefit. Where any one of these is compromised a plan or development would not be consistent with national planning policy and should be subject to more detailed scrutiny which fully explores whether the benefits are proportionate to the impacts.

Planning should safeguard the public's interest by recognising the value of the countryside, heritage and nature.

18. Planning should act in the public's interest to safeguard the things we value such as open landscape, agricultural land, nature and the historic environment.
19. Two-thirds of England's landscapes, including agricultural land vital for food production, and the great majority of our buildings are unprotected by any special designations, leaving them vulnerable to development pressure especially on the urban fringe. Yet there is a strong relationship between the quality of an area and its ability to attract inward investment and to promote the health and well-being of those who live there. To give just one example, the tourism industry is worth £96.7bn to England's economy, and supports 2.2 million jobs. Research carried out by the National Trust has shown that 40 per cent of employment in tourism depends directly on a high quality environment, with the figure rising to between 60 per cent and 70 per cent in rural areas.
20. The NPPF should recognise the positive value of open land and the natural and historic environment, and offer a clear set of principles to guide plan making and decision taking. This should be done in a number of ways, including adopting an explicit 'brown-field first' approach, preventing development on high-grade agricultural land in all but exceptional circumstances, and dropping the blanket requirement on all local authorities to identify an additional 20 per cent of land for housing, which is an arbitrary way of seeking greater flexibility in land allocation and will result in greater pressure on green field land, whether protected or not.
21. The NPPF should also ensure that there is no reduction in protection for the designated natural and historic environment. As currently drafted it will diminish protection for these aspects of the landscape by diluting a long held convention in favour of their conservation and increasing the degree of harm that must be shown in order to outweigh any development proposal.

Local people should have a genuine say in shaping their locality, and neighbourhoods should be supported in setting out what they value about a place, and their aspirations for its future.

22. The National Trust supports the Government's aspiration to give local people more of a say in shaping local places, but we believe that many policies contained in the NPPF will actually serve to undermine this goal.

23. Most significantly, we are very concerned that in the critical early years of the new system, when compliant local plans are not yet in place, development could be forced through against the views of local people and on land which would otherwise be deemed inappropriate. We are already aware of applications for housing and other development on land which has not been designated for this purpose.
24. Local authorities need the ability to refuse these applications, but paragraph 14 of the NPPF instructs them to 'grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date', making 'no' difficult to say and almost impossible to defend on appeal. To manage this there is an urgent need for transition arrangements to be put in place until local plans are universal.
25. The National Trust is also concerned that the NPPF unduly constrains local authorities from using supplementary planning guidance where it would add to development costs. We believe that local authorities who wish to set high standards for development should be free to do so through the use of supplementary guidance. We further note that the Government's aspiration for all supplementary planning guidance to be placed in the local plan will make them unwieldy documents and could lengthen the interim period before all plans are complete and in conformity with the NPPF.
26. At neighbourhood level, the Government has set out its intention to introduce a new tier of planning. However, it is not yet clear how communities will be supported to engage with the creation of Local Plans or the drafting of their own Neighbourhood Plans. There is a danger that developers will have an undue influence. It is therefore important that a clear mechanism is put in place to help communities step back and take a holistic view of their area.
27. At the National Trust everything we do starts with seeking to understand 'spirit of place'. This is normally captured in a statement of significance, a forward looking document which defines what we value about an area and our aspirations for its future.
28. Starting with a statement of significance or similar would be an effective way to engage the local community. A short statement could set out what a community values about a place in social, economic and environmental terms and identify what people want to keep and what needs to change. Preparing it would enable communities to understand the capability of their land and to build consensus around their own values and ideas. Having such a statement would give communities confidence that they understand what they value most about their places, while giving developers clear guidance on what communities want and need.
29. With declining local authority resources, limited capacity in the third sector and little to incentivise business, the National Trust urges the Government to clarify how neighbourhoods will be supported in the creation of neighbourhood plans, and recommends that it considers a mechanism similar to statements of significance.

Planning needs to provide certainty if it is to be fast and efficient

30. Investor confidence and public faith in the planning system both rely on a demonstrably consistent and fair process. The Government has said that it wants to create a simpler, faster and less adversarial system. The National Trust supports these aims but is concerned that imprecise language and unclear policies in the NPPF will result in differing interpretation from council to council, and even scheme to scheme. We believe that as currently drafted the NPPF risks inconsistency and lack of certainty for owners

and developers, complicated decision-making, long delays, frequent legal challenge and future policy shaped by case law.

31. Our concerns include, but are not confined to, the fact that the phrase “*significantly and demonstrably*”, which is a key test for whether development should proceed, is used 10 times but never defined. We understand that there is also no existing case law which could be applied to this test. We are also concerned that caveats, like “*where practical*” which is used 8 times, will not only weaken policy but also complicate decision making. The requirement to “*approve all individual proposals wherever possible*” in paragraph 14 is similarly poor guidance, as it is almost always ‘possible’ to grant permission, and the ‘default yes’ where plans are ‘*indeterminate*’ (paragraph 14) will also engender challenge because it is in the nature of plans to contain a wide range of policies which could almost always both support approval and justify refusal. Many decisions in planning are made where development plan policies are in effect “indeterminate”. Ironically, such an instruction could result in more complex local plans as authorities draft policies to cover every eventuality.
32. Planning reforms of this scale are rare. The National Trust believes it is vital that the NPPF is fit for purpose over the long term. We also believe it remains very unclear that the NPPF will operate in practice as the Government intends and this could fundamentally undermine the delivery of sustainable development. That is why we urge urgent revision. More detailed suggestions are set out in response to specific consultation questions below.

National Trust response to specific consultation questions

Delivering Sustainable Development

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

Q1(a): The National Trust **strongly disagrees** with this statement.

Q1(b): Provide comment:

Sustainable Development in the NPPF

33. As set out above, the National Trust welcomes the Government's recognition in NPPF 2 that planning has a key role to play in securing a sustainable future. We also support, as in NPPF 9, the Government's ongoing commitment to sustainable development as the core principle underpinning planning.
34. The National Trust does not however believe that support for sustainable development in the NPPF is as clear, effective or useful for Local Authorities or businesses as it has been in PPS 1. We note that Government has chosen to articulate sustainable development in accordance with the UN/Brundtland Commission of 1987. This is sometimes referred to as the '*triple bottom line*' approach where environmental, financial and social costs and benefits are given equal weight in decision-making. While these principles are well established there are also weaknesses with the Brundtland definition. The UK has therefore evolved and adopted a more sophisticated approach to sustainable development, one which has been captured in detail in the current UK Sustainable Development Strategy 2005. This strategy sets out five core principles of sustainable development, all of which we believe should be reflected in the NPPF. They are: living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance and using sound science responsibly.
35. It is of particular concern that the NPPF makes no reference to environmental limits. Land and all that it produces is the foundation of life and the foundation of the raw materials required to build an economy. It is a finite resource and yet the demands we make on it continue to grow. A commitment to living within environmental limits is as critical to the long term health and productivity of the nation as it is to our attempt to halt or reverse biodiversity loss and ecosystem degradation, and to deliver key targets in connection with climate change and the Government's Natural Environment White Paper.
36. The National Trust therefore recommends that the NPPF should include a clear definition of sustainable development, using the well respected principles set out in the Government's Sustainable Development Strategy (Securing the Future 2005).

The presumption in favour of sustainable development in the NPPF

37. The Government intends their new policy presumption in favour of sustainable development to sit at the heart of plan-making and development management alike. NPPF 15 states that "*All plans should be based on and contain the presumption in favour of sustainable development as their starting point*", and NPPF 19 that decision takers at every level should assume that the default answer to development proposals is

“yes”. In development management the ‘presumption’ also manifests itself in NPPF 14 as a requirement to “*grant permission where a plan is out-of-date, indeterminate or silent...unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits*”.

38. The planning system does have a pre-existing presumption, set out in law in s.38(6) of the PCP Act 2004 which states that decisions are made in accordance with the plan unless material considerations indicate otherwise. The Government has made a welcome commitment to the plan-led system in their new policy framework, but the introduction of their ‘presumption in favour’ looks back 20 years to PPG1, 1988, where permission was granted unless ‘development would cause demonstrable harm to interests of acknowledged importance’. The 1980’s were a decade that saw the widespread use of ‘planning by appeal’ as developers grew less confident in local plans as a meaningful guide to likely planning decisions. Over time, the policy presumption cited above was held to be irreconcilable with the statutory duty to make decisions in accordance with the plan.
39. The current ‘presumption in favour’ makes the point that local planning authorities should “*plan positively*” (NPPF 14) and “*respond positively*” to opportunities (NPPF 19). Such wording suggests that the Government is primarily using the ‘presumption’ to encourage a positive, outcome focussed approach on the part of plan-makers and decision takers. The National Trust is not set against property development and sees it as completely necessary and desirable in the correct location and once the appropriate process of assessment and adoption has been followed. We do develop within our own estate and are an active user of the planning system. The National Trust would therefore support the encouragement of a positive, plan-led system (whether or not a ‘presumption is actually necessary) so long as the aim of achieving genuinely sustainable development is equally clear.
40. As currently drafted however, this is not the case. We believe that the ‘presumption in favour of sustainable development,’ while attempting to set a positive framework, is actually unacceptably tilted towards one sector of sustainability so that the necessary balance of factors becomes distorted and unable to fully and properly deliver the principles in either Brundtland or the UK SDS.
41. The ‘presumption’ does this in two principle ways. First, by instructing LPAs to place ‘*significant weight*’ on the need to support economic growth (NPPF 13 and elsewhere in the document). This calls into question whether such an approach can possibly promote genuinely sustainable development that integrates social, economic and environmental considerations. And second, in terms of the opportunity it presents for unplanned speculative development where the local plans are ‘*absent, silent, indeterminate or out-of-date*’.
42. The National Trust believes that the default ‘yes’ where a plan is absent, silent, indeterminate or out-of-date is particularly poor policy and unworkable in practice. Local authorities should have the ability to refuse proposals where they would cause harm, regardless of the status of the plan. Instead the NPPF requires LPAs to show that harm “*significantly and demonstrably outweighs benefit*” (NPPF 14) or that development “*would compromise the key sustainable development principles set out in this Framework*” (NPPF 19). This approach places considerable burden on decision-makers and is not, we believe, sufficient to prevent harm. There is no obvious basis for deciding when a development would be unsustainable and what is intended by ‘*significantly and demonstrably*’ and ‘*the key sustainable development principles*’ is completely unclear. We also believe it is wrong to place an additional burden of evidence on the objector to a

planning application (i.e. the planning authority) above and beyond that which currently exists.

43. At the same time, the number of local authorities likely to be caught by this clause is relatively high. The Government's own impact assessment suggests that only 30% of local authorities have a Core Strategy in place, and fewer still a detailed site allocation or Local Development Plan. Up to 47% have yet even to publish a Core Strategy and once they do so it is still likely to take a year on average to adopt. Many recent plans are also deliberately silent in some areas as they were prepared on the basis of not repeating what had been comprehensive national and regional planning policies. The withdrawal of the current suite of PPS/PPGs and Regional Strategies could therefore leave a void in most, if not all plans.
44. In addition to this we know from our own research that local authority planning resources have declined dramatically over the last 3 years. When we asked local authorities directly we were told that 59% of respondents are experiencing a decrease in planning budgets and 75% of respondents are experiencing a decrease in planning staff. The National Trust is particularly concerned that local authorities will simply be unable to respond to the demands of plan making, managing speculative development applications and appeals, and supporting neighbourhood planning.
45. Imposing a default 'yes' where plans are 'indeterminate' is also likely to result in frequent legal challenge. This is because plans inevitably contain a range of policies which could almost always both support approval and justify refusal. Many decisions in planning are made where development plan policies are in effect "indeterminate". Paradoxically, the requirement to grant permission where a plan is 'indeterminate or silent' could result in more complex local plans as authorities draft policies to cover every eventuality.
46. The National Trust therefore strongly suggests that the default 'yes' and requirement to grant permission where a plan is out-of-date, indeterminate or silent is irresponsible and unworkable and must be removed.
47. We also recommend that any general presumption in favour of development should support and not undermine plan-making, and only apply to demonstrably sustainable development. There should be a clear expectation that the 'presumption' only applies where multiple positive outcomes in relation to economic growth, the environment and social benefit can be achieved. Where any of these is compromised a plan or development would not be consistent with national policy and should be subject to more detailed scrutiny to determine whether benefits are proportionate to impacts.
48. Such an approach would be consistent with well-established practice as set out in paragraph 29 of PPS1 which states: "*In some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case, the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for*". The National Trust suggests that such a clause should be added to the NPPF.
49. Finally, in relation to the one instance where the NPPF cites that a development would be unsustainable, the National Trust urges that NPPF 16 is amended to add Sites of Special Scientific Interest (SSSI) to consideration of International Sites. The presumption in favour of sustainable development applies across all development and SSSIs are not excluded from it. In the application of policy that means that any negative implications for a SSSI would have to 'significantly and demonstrably outweigh the

benefits' (NPPF 14) for the presumption to be set aside. In the current system the test is that a likely adverse effect would result (paragraph 8 of PPS9). We conclude that the move from a likely adverse effect to a significant adverse effect (NPPF 13) and that any planning authority seeking to refuse planning permission will have to show that the significant adverse effect will demonstrably outweigh the benefits (where an adverse effect is identified), will lead to a diminution of policy rigour and protection for SSSIs. We therefore urge that SSSIs are included in paragraph 16 and that the presumption in favour of development does not apply to national as well as international sites of nature conservation importance.

Plan-making

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.

Q2 (a): The National Trust **agrees** with this statement, but wishes to raise some other concerns with this section of the NPPF.

Q2 (b): Provide comment:

50. NPPF 48 follows the existing tests of soundness in PPS 12, and introduces additional requirement of an 'objectively assessed development and infrastructure requirement'. A sound evidence base is critically important to informed decision-making. Existing guidance (PPS12: 4.36) requires a robust and credible evidence base and the most appropriate strategy when faced with alternatives. The National Trust can support the NPPF in this regard, but notes that the 'positively prepared' principle must satisfy the same objectives.
51. Concerns regarding the "significantly and demonstrably" test, which is also used in NPPF 20, have been set out above and are further considered in the Natural and Historic Environment sections.
52. The National Trust does not agree in NPPF 21 that Supplementary Documents should only be used to bring forward development at an accelerated rate. Supplementary Documents can be very valuable and flexible for a wide range of purposes and should be available as a tool for any valid planning purpose including for example Development Briefs, Design Guidance, Conservation Area Appraisals, and Landscape Character Assessments. As currently, such additional detail should remain outside the Development plan, but within the wider umbrella of the Local Development Framework.
53. In NPPF 24 (final bullet) it should be made clear that the strategy for enhancement of the local environment relates to the historic as well as the natural environment.
54. We note that NPPF 26, as NPPF 14 previously, adds the material consideration that "*Local Planning Authorities should (third bullet) "grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date"*". This adds a back door presumption in favour of development (as existed under circular 22/80 and as deleted by the new PPSs when introduced in the 1990's). As highlighted above, this creates a potentially dangerous combination of factors in cases where a Local Planning Authority has an out of date plan, or to be more precise, no Core Strategy or appropriate Development Plan Documents (under the 2004 reforms). We recommend that this bullet is deleted.

55. When evidence gathering local authorities are rightly instructed in NPPF 27 to ensure that the Local Plan is based on the most up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of an area. As this section refers to evidence gathering about characteristics, there is room for misunderstanding here that 'environment' equates to natural environment alone. For the sake of absolute clarity in this important area the National Trust recommends an amendment to 'built, natural and historic environment'.
56. In order to make it clear that policy related to assessments as set out in NPPF 36 relates to the historic environment as well, NPPF 37 should come prior to NPPF 36, and NPPF 34 should be clearly headed Natural Environment.
57. NPPF 39 requires that sites identified in the plan for development should not be "*subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*". Caution is needed here to ensure that the implications of this policy do not go beyond its intention. Heritage protection policies can make development of some types and in some areas unviable. Other uses may need to be considered. Sound heritage protection relies on flexibility and case-by-case consideration. It should be clear that a blanket policy of this kind should not diminish protection for heritage assets within land allocations.
58. The National Trust is in favour of a greater say for neighbourhoods in shaping their local environment, but we do not believe that the provisions for neighbourhood planning as drafted in the NPPF are appropriate. NPPF 50 makes clear that neighbourhood plans must be "*in general conformity*" with the local plan, which is logical and welcome, but it also states that "*neighbourhoods have the power to promote more development*" than the local plan (also NPPF 17). NPPF 51 sets out that neighbourhood plan policies "*take precedence over existing policies in the local plan for that neighbourhood, where they are in conflict*". These proposals undermine the statutory Development Plan and the plan-led system. Planning is an integrated process whereby employment and housing levels and infrastructure provision are planned together. This process takes into account social factors and environmental constraints. The plan must be robust and sound and democratically approved. Giving neighbourhoods the power to promote more development weakens significantly the local plan and will cause conflict and confusion. Existing legislation under section 38(6) of the 2004 PCP Act sets out that the Development Plan is the statutory basis for the determination of applications and appeals. It should remain so. The relationship between local plans and neighbourhood plans requires urgent clarification.

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

Q2 (c) The National Trust **disagrees** with this statement.

Q2 (d) Provide comment:

59. Policies related to planning strategically across local government boundaries' are found in NPPF 44 to 47. The 'duty to co-operate' principle must, logically, fall within the determination of the individual planning authority. With the abolition of a regional tier of planning and housing targets falling for local calculation and delivery, this policy may seek to encourage co-operation but leaves it entirely to local discretion. We accept it can apply equally across areas of restraint and of growth but the NPPF can only offer guidance here and it remains to be seen if any noticeable uptake is likely.

Decision Taking

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

Q3 (a) The National Trust **disagrees** with this statement.

Q3 (b) Provide comment:

60. NPPF 53 states that '*The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development*'. We accept this standpoint but note with real concern that how this will be pursued in practice relies heavily on the exact detail of the definition of sustainable development in the NPPF and how well the detailed policies that promote genuinely sustainable development are embedded throughout the document.
61. As suggested above, the National Trust strongly believes that the NPPF as drafted neither offers a robust definition nor puts appropriate policies in place to deliver sustainable development in practice. Further examples of this can be found in the Development Management section, including the second bullet in NPPF 54 which states that in order to "*proactively fulfil their planning role, and to actively promote sustainable development*" local authorities need to "*attach significant weight to the benefits of economic and housing growth*". Similarly NPPF 55 states that the "*application of the presumption should achieve the delivery of enhanced levels of development*". In this case, we specifically note the striking use of the words "enhanced levels of development" rather than "sustainable development" as the logical outcome of the presumption. In pursuit of a more balanced NPPF, the National Trust would strongly urge deletion of both phrases highlighted above.
62. Where it exists, an up-to-date local plan/core strategy will, in effect, be the expression of sustainable development for the area it covers. Development management decisions will be made in accordance with this plan. In practice however it would be wholly inappropriate for the statement set out in NPPF 53 (and noted above) to represent the fallback position when a plan is absent, silent or out of date.
63. The National Trust would also like to make a specific point about archaeology in connection with development management. An estimated 80,000 nationally important archaeological sites are currently undesignated because they are adequately protected through the planning regime. However, neighbourhood planning introduces a new threat to these historically significant sites because neighbourhood development orders (NDOs) represent a significant extension to permitted development rights, without the same requirement for pre-determination archaeological work as an individual planning application. The result will either be harm as significant archaeological sites are missed, or serious pressure on the Government to schedule all 80,000 sites as soon as possible. Scheduling done in reaction to an NDO will require compensation to be paid. We therefore urge amendment to NPPF 65 to make it clear that development should not be permitted through an NDO that could directly affect non-designated assets of archaeological interest that are of equal significance to scheduled monuments.
64. The National Trust accepts that much of the remainder of the detailed content in this section is indeed appropriate (for example on pre-application engagement, planning conditions, tailoring planning controls).

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

Q4 (a) The National Trust **disagrees** with this statement.

Q4 (b) Provide comment:

65. It is perfectly appropriate for best practice guidance to be issued by specialist agencies or advisory bodies. A good example of this would be the English Heritage Practice Guide, 'Planning for the Historic Environment', which accompanies and elucidates upon national policy in PPS 5. Nevertheless we could like to express caution regarding the Government's apparent preferred approach. First, we would suggest that any policy which encourages a plethora of additional publications seeking to interpret the meaning or application of national policy guidance is a recipe for chaos. To add a measure of clarity such publications should only be produced under the aegis of statutory agencies (English Heritage, Natural England, Environment Agency) or approved bodies (Design Council – CABE, Historic Environment Forum). Consultation and broad sector agreement is however to be commended.
66. Second, we note that the reduction of national policy to 52 pages leaves much that could be usefully and productively set out as technical guidance for practitioners. A simple "light-weight" approach is not necessarily appropriate in all areas of policy.
67. Finally, clarity is further threatened by the varying 'weight attached' to these documents, so that it remains uncertain whether sector guidance will continue to be a material factor in decision making or its value will be significantly weakened.

Business and economic development

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

Q5 (a) The National Trust **strongly disagrees** with this statement.

Q5 (b) Provide comment:

68. Confidence to invest comes from certainty about the rules and from a demonstrably consistent and fair process. The National Trust supports these aims in planning, but as highlighted above is very concerned that imprecise language and unclear policies in the NPPF will result in differing interpretation from council to council, and even scheme to scheme. We believe that as currently drafted the NPPF risks inconsistency and lack of certainty for owners and developers, complicated decision-making, long delays, frequent legal challenge and future policy shaped by case law. We do not believe that this will result in investor confidence.
69. The National Trust is also very concerned that the 'Business and economic development' chapter consistently seeks to encourage sustainable economic growth rather than sustainable development. The two are not interchangeable. Sustainable development is about integrating economic, social and environmental benefit. This is the appropriate objective for planning. We urge the Government to make this as clear in the chapter on 'business' as it is in NPPF 9 where it states that "*The purpose of the planning system is to contribute to the achievement of sustainable development*". We recommend that references to sustainable economic growth in NPPF 71, 72, 73 and 81 are replaced with 'sustainable development'.

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.

Q6 (a) The National Trust **disagrees** with this statement.

Q6 (b) Provide comment:

70. The National Trust does not consider policies to promote the vitality of town centres in NPPF 76 to be sufficiently robust. The impact assessment accompanying the NPPF suggests on page 34 that offices are removed from the town-centre first test. The NPPF itself simply does not mention offices in the town centre first policy, rather than explicitly stating that they should not be part of it. As a result it is not clear whether a local plan having a town centre first policy for offices would be in conformity with the NPPF. More importantly, while the impact assessment mentions the potential to address the sustainability of locations for office development, it does not consider the consequences for town centre vitality and viability of allowing office development to leak away. Town centres are often of heritage value but the buildings face under-investment leading to their deterioration.

71. We are also concerned that the removal of the maximum non-residential car parking standards for major developments will favour out of town developments away from public transport infrastructure.

Transport

The policy on planning for transport takes the right approach.

Q7 (a) The National Trust **strongly disagrees** with this statement.

Q7 (b) Provide comment:

72. While we recognise the positive direction set in NPPF 91, which encourages local authorities to aim for a mix of uses “*to minimize journey lengths for employment, shopping, leisure, education and other activities*”, we believe that this section is very largely focused on promoting short-term development rather than supporting good sustainable transport solutions.

73. In NPPF 84 the first clearly stated objective of transport policy is to “*facilitate economic growth*” and support “*development*”. Environmental outcomes are found in the second objective, but there is no mention of any social considerations such as improving quality of life and reducing social exclusion through transport policy.

74. The National Trust is very concerned that any real commitment to sustainable development as a whole is qualified throughout the section. NPPF 83 only supports development patterns which facilitate the use of sustainable transport “*where practical*” or “*where reasonable to do so*”. The importance of transport sustainable locations is further weakened by the last sentence of NPPF 88 which states, “*However, this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.*” Given the strong economic bias in other areas of the document, this is of particular concern.

75. The National Trust recognises the challenge of maximising sustainable transport solutions across all new development and in all locations, but suggests that this is

exactly why strong national leadership is required. We would strongly urge reconsideration of this entire section.

Communications infrastructure

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

Q8 (b) Provide comment:

76. The National Trust does not propose to offer any submissions against this policy.

Minerals

The policies on minerals planning adopt the right approach.

Q9 (a) The National Trust **disagrees** with this statement.

Q9 (b) Provide comment:

77. Although there is a general issue regarding whether such an extreme cull of the existing PPGs/PPSs is appropriate, this is particularly relevant in relation to minerals policy guidance. The National Trust believes that reducing 15 MPSs/MPGs to just over three pages is very concerning considering the significant damage that can be caused by inappropriate minerals extraction and related development.
78. At NPPF 100 the policy emphasis appears to have changed from the sustainable *extraction* of minerals to the sustainable *use* of minerals. This is of concern as it implies that controls over mineral extraction, particularly from sensitive sites, have been weakened. The National Trust seeks an added emphasis to the sustainable extraction of minerals as a general principle in the NPPF.
79. At NPPF 102 the first bullet point represents a significant weakening in the protection afforded to National Parks and other designated landscapes. Whereas MPS1 contains a policy which states: “*do not permit* major mineral developments in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites except in exceptional circumstances”, the draft NPPF states that “*as far as is practical, ensure sufficient levels of permitted reserves are available from outside (these areas)*”. The emphasis is no longer on protecting these landscapes for their own sake, and it would seem relatively simple to build a case to demonstrate that suitable reserves are not available elsewhere. We would seek to reintroduce the language of MPS1 of ‘*do not permit*’ major mineral developments in National Parks, the Broads, AONBs and World Heritage Sites.
80. We are further concerned by the second bullet point in NPPF 103, which makes an unsuitably weak pronouncement about ensuring that “*there are no unacceptable adverse impacts on the natural and historic environment...*”, and fails to give any clear guidance that mineral extraction should not take place in designated areas. The definition of whether or not a proposed mineral operation will cause an “*unacceptable adverse impact*” is too subjective and gives no assurance that fine landscapes or important wildlife or historic sites will continue to enjoy the current level of protection.
81. The National Trust does support the fourth bullet point in NPPF 103 which stops LPAs from granting permission for peat extraction. We also support the seventh bullet which recognises the important contribution that small, historic quarries may make to the

provision of building stone for the repair of historic buildings. There are occasions when the quarrying activities themselves are an important aspect of the history and economy of an area and should be safeguarded.

Housing

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

Q10 (a) The National Trust **strongly disagrees** with this statement.

Q10 (b) Provide comment:

82. While we agree that there is a need to increase housing supply, the housing section in general places too great an emphasis on quantity and increasing supply, and insufficient emphasis on quality and sustainability. For example we note that there is no reference in this section to the Code for Sustainable Homes. The National Trust's own work in this area supports the need for energy efficiency standards in housing.
83. The overall approach of the housing section appears to stem from a misguided belief that the slow down in house building can be simply remedied by increasing land supply. The National Trust would question this assessment, and suggests that lack of finance, both for homebuyers and house builders, is the most significant constraint. In their recent (May 2011) Housing Market Report the Home Builders Federation noted that 91% of house builders now see lack of mortgage availability as a 'major constraint' on their ability to sell, and thus build, homes.² The recent slow-down in planning permissions is due to a lack of applications. As the impact assessment to the NPPF itself notes, the total number of planning applications received has declined since 2004-05 from 645,000 to 418,000 applications in total in 2009-10. Approvals have actually risen marginally from 83 per cent to 85 per cent. Nor is there a lack of premises to convert or sites to build on. The RTPI informs us that in England "there are around 750,000 empty homes, nearly half of which have been empty for over 6 months, and developers have permission for around 300,000 homes they are not currently building".³
84. NPPF109 sets out policies to "*significantly increase the supply of housing*". Of these, the National Trust believes that the instruction to provide a 20 per cent uplift on the 5 year housing land supply should be dropped. The planning process seeks to identify the amount of land required to meet anticipated requirements during the plan period and the most appropriate locations including the phasing of sites. The allocation of additional land, over and above that actually required, could lead to less sustainable peripheral sites coming forward at the expense of more sustainable sites (including previously developed land). This is not in the best interests of the community, presents a threat to open countryside on the periphery of settlements and has implications in terms of planning for and phasing infrastructure and transport facilities. A particular concern is born out by the Impact Assessment (at p57) which states that "*Where plans are not adopted or the five year supply and additional minimum 20 per cent requirement are not kept up to date, the presumption in favour of sustainable development will apply*". The National Trust believes that a general presumption against housing development in the open countryside should be retained, as currently exists in PPS7 and that a strong policy is essential to protect designated areas.

² The Home Builders Federation (HBF) Housing Market Report, May 2011

³ RTPI, 6 September 2011.

85. The National Trust also believes that the perceived weakening of the brown fields first policy in the NPPF is likely to result in large areas of brown field land remaining vacant while threatening undeveloped countryside on the fringes of settlements. This does not represent the most efficient and effective use of land, and is likely to increase travel times and distances to existing services and facilities as well as creating a need for new ones. The impact assessment does not give appropriate weight to the costs to the community of developing green fields. We recommend therefore that a policy statement is added to paragraph 109 setting out a clear preference for development on previously developed land, and in particular vacant and derelict sites and buildings.
86. In NPPF 112 we have further reservations about the statement that '*Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant affordable housing to meet local needs*'. The NPPF is not clear on whether this is intended to apply to rural exception sites where development would not normally be acceptable. The National Trust does not support the blanket withdrawal of rural exception sites policy. We believe this could open the door to market housing in inappropriate locations on green field sites in the countryside, including in designated areas. In contrast, existing current policy protects the amenity and setting of villages and small settlements, while still allowing for small scale developments to meet local needs in line with strict criteria. As currently drafted paragraph 112 at best lacks clarity and at worst could be used to seriously erode the character of some very sensitive and understandably restrained areas, without necessarily serving the need that it seeks to address, i.e. the provision of locally affordable housing.
87. The National Trust regrets withdrawal of the direction to provide affordable housing in developments over 15 units. This is a policy which works. Last year (2010-11) saw the highest recorded percentage growth in additional affordable homes. We suggest strengthening the policy for the provision of affordable homes in the NPPF.

Planning for schools

The policy on planning for schools takes the right approach.

Q11 (b) The National Trust does not propose to offer any submissions against this policy.

Design

The policy on planning and design is appropriate and useful.

Q12 (a) The National Trust **disagrees** with this statement.

Q12 (b) Provide comment:

88. The National Trust welcomes the Government's support for high quality and inclusive design, however we are concerned that the way the wording in PPS1 has been shortened will lead to a weakening in aesthetic control. At NPPF 118 the instruction not to impose "*unsubstantiated requirements to conform to certain development forms or styles*" is open to interpretation, especially as it is not balanced with the affirmation in PPS1 that it is proper to promote and reinforce local distinctiveness. Sensitivity to character and local distinctiveness are key principles that should be recognised. The 'Historic Environment' section in the NPPF mentions local distinctiveness but it should be mentioned in relation to 'design' or more generally.

89. We would suggest that materials are important for historic character and can help to harmonise new and old. It should be clear in NPPF 117 that materials can be included in design guides.

Green Belt

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

Q13 (a) The National Trust **disagrees** with this statement.

Q13 (b) Provide comment:

90. Continued commitment to the Green Belt is welcomed, as are permanent and long term boundaries that extend beyond the Development Plan's intended lifespan, set out in NPPF 140. The National Trust also notes that in terms of development management, the 'very special circumstances test' in NPPF 142 follows current guidance in PPG 2. This is welcome because it maintains the high policy test that currently exists to maintain Green Belt policy objectives.

91. Where we see cause for concern is in NPPF 145, which lacks clarity. The introduction of a paragraph beyond 144 to deal with '*certain other forms of development...also not inappropriate*' represents a departure from previous policy. The Impact Assessment at page 72 views such changes as adding necessary flexibility. The problem however is that the drafting lacks precision and will not assist the decision-maker. We would ask, therefore, that NPPF 145 is deleted or substantially redrafted, and make the following specific recommendations.

92. Mineral extraction and engineering operations both have considerable capacity to damage open character and should fall under the 'very special circumstances' test. They should not be the subject of a policy approach that infers they may satisfy green belt objectives. Local transport infrastructure should be deleted and reference to Park and Ride facilities included in NPPF 144. This reflects the current approach in PPG2.

93. Reference to development under the Community Right to Build Order should be deleted or substantially clarified. The Impact Assessment at page 73 clearly sets out the reason for introducing this policy, and suggests what it might encompass. Both PPS2 and NPPF 144 are clear that it is perfectly appropriate for some previously developed land within green belts to be developed, mostly for housing. Such schemes must follow the rigours of policy for infilling, exception sites and respecting open character. The NPPF however does not provide the detail that the Impact Assessment does, and does not reassure that the community right to build provision could not be used to build on 'green' green belt land.

Climate change, flooding and coastal change

The policies relating to climate change, flooding and coastal change takes the right approach.

Q14 (a), (c), (e), (g) The National Trust **disagrees** with this statement.

Q14 (b), (d), (f), (h) Provide comment:

94. The National Trust welcomes many of the detailed policies in this section, but notes that

not making a clear commitment to living within environmental limits in the definition of sustainable development and nor pursuing a low carbon economy in the core planning principles is a very significant weakness in the NPPF as a whole. In the detailed policies, we also suggest that the lack of reference to Shoreline Management Plans is a major omission.

95. We support the objectives set out in NPPF 148, however, we would welcome some mention of carbon storage in soils, and the importance of protecting/restoring those areas.
96. We believe NPPF 151 is too open to interpretation. It is not sufficiently clear what “a *well designed building...which promotes high levels of sustainability*” refers to. If all new proposals are “well designed” and “sustainable” (as they should be), then the default position could be to approve anything, as long as it doesn’t impact on a designated heritage asset, regardless of context. We recommend deletion of paragraph 151 and its replacement by “*LPAs should take a positive approach to buildings or infrastructure that promote high levels of sustainability*”.
97. We would like to express overall support for NPPF 152, but we reiterate the point that there could be an additional line on identifying soil carbon storage areas that should be conserved.
98. We support NPPF 154, but at the end suggest the addition of “...*and overall catchment management*”.
99. We support NPPF 159 under ‘Manage Risk from Coastal Change’, however suggest that the wording could be improved here. We offer: “*In coastal areas, LPAs should ensure their plans are compatible with Marine Plans, apply Integrated Coastal Zone Management across local authority and land/sea boundaries. They should ensure that their plans reflect advice and evidence base contained in existing Shoreline Management Plans for their area, both in individual planning applications, and in forward planning.*”
100. We suggest NPPF 160 should be changed to read “*Local planning authorities should use their SMPs to identify Coastal Change Management Areas or any area likely to be affected by physical changes to the coast*”, and the first bullet point could be amended to: “*Use Shoreline Management Plans, the principles of ICZM and landscape/seascapes character assessment to be clear as to what development...*”
101. In NPPF 161 we would suggest that when referring to designations in the second bullet point it should read: “*The character, special qualities and features of the coast, including areas designated through landscape and nature conservation designation are not compromised*”.

Natural and Local Environment

Policy relating to the natural and local environment provides the appropriate frame-work to protect and enhance the environment.

Q15 (a) The National Trust **disagrees** with this statement.

Q15 (b) Provide comment:

102. The National Trust believes that all landscapes matter. We note however that in NPPF 164 the phrase “*protecting valued landscapes*” could imply that only some landscapes are significant. Similarly NPPF 166 seeks only to apply policies to guide development affecting “protected” (designated) landscape areas.
103. The UK Government is a signatory to the European Landscape Convention, which confirms that “*England’s landscapes matter for the health, wealth and well-being of society, for our cultural identity and for the diverse habitats that exist as part of them.*”
104. The National Trust therefore supports current policy in PPS1, paragraph 17 and PPS7, paragraph 1(iv) to acknowledge the value of the landscape as a whole, and protect it for its own sake. We strongly suggest that a similar policy is added to the NPPF in relation to both rural and urban landscapes.
105. The National Trust also recognises that landscapes are dynamic and constantly evolving. We support English Nature’s position statement, *All Landscapes Matter* (February 2010) and agree with its recommendations that this change needs to be planned and managed, with a real understanding of how and why society values landscapes better captured and more fully represented in decision making. We therefore feel it is critical that landscape character assessment is promoted in the NPPF as the key tool for managing change, as currently in PPS 7 paragraph 24 and advocated by Natural England.
106. The National Trust is a significant owner and custodian of protected land within National Parks and Areas of Outstanding Natural Beauty (AONBs) and the undeveloped coast. We endorse the Government’s commitment to their protection. However we note with real concern that although it states in NPPF 167 that ‘*great weight*’ should be given to protecting landscape and scenic beauty in National Parks and AONBs, no clear decision making framework is provided to suggest how that balances against the “*significant weight*” to be given to supporting economic growth stated in NPPF 13, or the “significantly and demonstrably” test in NPPF 14.
107. The National Trust also believes that the final bullet in NPPF 167 serves to weaken current levels of protection and does not meet the various legislative tests to be found in the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000. We would urge that this paragraph is rewritten to state: “*With due regard to statutory management plans as produced for AONBs and National Parks, to give great weight to protecting and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty as well as in respect of their setting. This should be given priority over other considerations in the determination of development proposals, together with the conservation of wildlife and cultural heritage which are also important considerations in all these areas, and to be given great weight. Further, support should be given to small-scale suitably located and designed development that is considered necessary to facilitate economic and social well being in these constituent areas.*”
108. An additional cause for concern within NPPF 167 is in the third bullet which we believe weakens the ability to safeguard high quality land for agricultural use. The NPPF suggests that development should only “seek” to use poorer quality land, and allows higher quality land to be used simply where use of lower quality land would be “*inconsistent with the Local Plan’s growth strategy*”. Food security is a significant issue for both present and future generations. A genuine commitment to sustainable development would suggest that a more robust policy on safeguarding agricultural land is needed.

109. The National Trust asks that urgent attention is given to the drafting of NPPF 167 to rectify the concerns highlighted above. We also suggest that consideration is given to re-introducing from existing guidance in PPS7 paragraph 21 confirmation that *“Nationally designated areashave been confirmed ...as having the highest status of protection in relation to landscape and scenic beauty”*.

Historic Environment

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

Q16 (a) The National Trust **disagrees** with this statement.

Q16 (b) Provide comment:

110. The National Trust believes that good conservation is about the careful management of change over time, but we also recognise that we should be slow to lose that which is irreplaceable. We are therefore genuinely concerned to note that overall protection for the historic environment is weakened in the NPPF.
111. In particular we are concerned that the new presumption in favour of sustainable development effectively overturns the long-standing presumption in favour of conserving designated assets. In NPPF 14 the new presumption states that development should proceed unless the harm it does *“significantly and demonstrably”* outweighs the benefits. Both ‘significantly’ and ‘demonstrably’ are left undefined in this key test, and therefore open to inconsistent interpretation and legal challenge. This lack of clarity is compounded by the fact that while NPPF 14 requires the demonstration of significant harm over benefit, NPPF 183 states that *‘considerable weight’* should be given to the conservation of heritage assets and that *‘any harm or loss should require clear and convincing justification’*. In NPPF 184 it even says that *‘substantial public benefits that outweigh harm or loss’* are required if development that affects the historic environment is to proceed.
112. Nevertheless, it seems clear that the test in NPPF 14 does impose a higher evidential burden on stopping inappropriate development than currently exists. In cases where harm is evenly balanced with benefit, or even outweighs it but to a lesser extent than *“significantly”*, what has been a clear choice in favour of conservation will become permission for development to proceed, making it more difficult to safeguard heritage assets.
113. The presumption in favour of conservation was explicitly set out in policy HE 9.1 of PPS 5, which states that *“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be”*. This is a key policy principle that is easily understood by decision-makers, and we recommend its re-inclusion.
114. A second area of concern centres on the fact that the NPPF does not provide direction where a development will result in ‘less than substantial harm’ to heritage assets. It is often where harm is less than substantial that decisions are difficult and guidance is needed. Less significant harm can also result in a cumulatively significant impact over time.
115. We therefore advocate either (a) the deletion of ‘substantial harm’ and its replacement by ‘harm’ in NPPF 184 which is far easier for policy makers and decision-makers to

implement and comprehend, or (b) reworking it to include existing guidance on less than substantial harm in PPS 5 HE 9.4.

116. The National Trust is also concerned about the lack of encouragement in the NPPF for the sympathetic reuse of historic buildings. Heritage needs to be used if it is going to survive, and sympathetic alteration allowed where consistent with the significance of the asset. PPS5 at HE 9.4 has been commended by owners, developers and conservationists alike for its encouragement to find viable uses for heritage assets in the interest of their conservation. This kind of constructive conservation should be a core principle of the Government's heritage policies. The NPPF is a step backwards. By focussing policy on 'protection' for designated sites alone, it misses an opportunity to safeguard designated and undesignated heritage alike through constructive re-use where appropriate. The National Trust therefore recommends reinstatement of an equivalent to HE9.4.

Impact Assessment

Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

Q17 (a) Provide comment:

117. No. Several areas of concern regarding the Impact Assessment have already been cited in answer to individual consultation questions above. We would also however like to make the more general observation that we believe the findings reported in paragraph 2.4 of the Impact Assessment are not supported by the Barker Review into Land Use Planning (2006).
118. Kate Barker's Review of Land Use Planning estimates the cost of planning delay to the economy at between £700m to £2.7bn. These figures did not distinguish between what may be deemed 'reasonable' delay (i.e. the delay on a market economy of necessary regulation) and unavoidable delay or frustration of reasonable expectations. The Barker review actually estimated that the cost of processing planning applications amounted to £750m per year. This, we submit, is the most accurate figure available for the cost of administering planning applications.
119. On the basis of the evidence advanced in Barker and in a further study for the National Housing and Planning Advice Unit (2010) *'Housing Supply and Planning Controls: The Impact of Planning Control Processing Times on Housing Supply in England'* a figure of £3bn is arguable and not supported by the evidence. The Treasury Plan for Growth, at its page 43, has criticised the current planning system for being unresponsive to demand. If the starting point of the NPPF is predicated on the data highlighted above, then we submit that the foundations for reform are somewhat flawed.
120. Further, it must be recalled that the Barker interim report of 2005 also set out to quantify some of the benefits of the planning regime and reported⁴ that "*There are a number of ways in which planning policies and processes can support investment. They can provide compatible land uses...help provide regeneration and place-shaping... and generate valued public goods.*"

⁴ Appendices to Barker Final Report of 2006, Appendix D paragraph 1.18.

121. We accept that paragraph 1.19 which follows reports an increase in refusal rates and calls for an examination this trend in relation to the decline in commercial properties built between 1991 and 2001. Yet at paragraph 1.21 Barker also states that⁵: *"While it may impose economic costs, it is right that the planning system turns down inappropriate proposals or imposes necessary conditions. This is a vital function of development control. Investment objectives need to be balanced against other objectives."*
122. Our central submission here is that (a) the appraisal of cost impacts of the planning system on economic activity is a necessarily complex area of activity, but that (b) the Barker Review while the most recent and highly detailed study of this issue, came to a variety of conclusions including the benefits of such a regulatory system in support of investment and tourism. To seek to use an estimation of the transaction costs of the planning system, which are arguable in themselves, to justify the view that the system inhibits economic growth and activity is to ignore large sections of the comprehensive Barker Review. We submit that the Impact Assessment, at this point, fails to provide a robust foundation for reform and serves to avoid some of the more complicated relationships evident in the Barker Review.

Submitted by:

**Ingrid Samuel
Historic Environment Director**

⁵ Appendix D 1.21