



HOUSE OF COMMONS

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**Response to the Ministry of Housing, Communities and Local Government
Consultation on the Draft Revised Text of the *National Planning Policy Framework***

10.05.18

Chapter 1 - Introduction:

1. Do you have any comments on the text of Chapter 1?

Footnote 2 uses the phrase 'brought into force' in relation to local and neighbourhood plans. I would suggest the use of the less ambiguous terms 'adopted' when referring to local plans and 'made' when referring to neighbourhood plans.

Chapter 2 – Achieving Sustainable Development:

2. Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

I support the changes to the extent that they assist in applying the presumption both in plan making and decision making, but the emphasis must be on "sustainable." Too often the NPPF has worked in practice as if that word were missing.

3. Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No, I think the core principles section ought to remain. The 12 core principles are usefully bulleted in the current NPPF and this should be retained. This would add little in terms of additional length and duplication but would assist with ease of reference. I am conscious that these core principles are also of great use to Parish Councils and other local community groups who take an interest in planning matters.

4. Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

I have concerns about the clarity of Paragraph 14. It should be recognised that neighbourhood planning groups are often comprised of individuals without formal planning experience and I fear this paragraph will cause confusion. For example, Clause A states that "Paragraph 75 of this Framework applies", but when one goes to Paragraph 75, it is stated that "for applications which include housing, Paragraph 11D of this

*From the Member of Parliament for the constituency of Witney in West Oxfordshire
including Bampton, Burford, Carterton, Charlbury, Chipping Norton, Eynsham, Witney and Woodstock.*

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Framework will apply.” This appears to be unnecessarily convoluted and will be difficult to follow for non-planners.

I welcome the revisions of the NPPF that seek to strengthen the responsibility of developers to contribute towards local infrastructure improvements. There is a significant issue at present of developers watering down the commitments they have made to local communities and councils. This often occurs when developers claim that a promised infrastructure upgrade is ‘unviable’, and local communities then have little power for redress.

It is absolutely vital, in the interests of sustainable development and trust in local democracy, that developers fulfil their commitments to improve local infrastructure. I am encouraged that the Government has identified this issue and the revised NPPF ought to ensure it is mitigated.

Chapter 3 – Plan Making:

5. Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

I support the proposed changes in principle. However, I would welcome greater clarity to the text of Paragraph 37 which is unclear in referring to the tests of soundness being applied in a ‘proportionate way’ to local policies. It would be helpful to provide additional explanation here so that the expectations of local policies set out in Local Plans are clear from the outset, particular with regard to what is meant by a “review” to prevent too onerous a burden on local authorities.

6. Do you have any other comments on the text of Chapter 3?

I have concerns about the draft wording of Paragraph 24 which infers that strategic plans should include allocations and well as locations for development. It should be recognised that allocation of specific sites may not be appropriate in all circumstances.

In Oxfordshire, for example, there is a commitment from local councils to prepare a Joint Statutory Spatial Plan, but this will only identify broad locations for growth rather than make specific allocations. Quite rightly, specific allocations would be delivered through individual Local Plans. This ensures specific planning decisions are made closer to home and is consistent with the shared aim of strengthening Local Plans and Neighbourhood Plans, as well as promoting local democracy.



Chapter 4 – Decision Making:

- 7. The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?**

I support this measure in principle as it will further improve transparency in the planning system. Of course there may be exceptional circumstances in which specific details need to be redacted or withheld, but this does not negate the need for greater openness in the system.

- 8. Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?**

Yes, the more information and guidance the better. This will avoid potential confusion and variation between local authorities.

- 9. What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?**

No comment.

- 10. Do you have any comments on the text of Chapter 4?**

The revised NPPF should go further and make it clear that where a Local Plan has reached an advanced stage, for example consultation on proposed main modifications, that the emerging policies carry significant weight irrespective of the number of objections to policies.

The example of West Oxfordshire has shown the deficiencies in the current system. Despite West Oxfordshire District Council receiving an initial letter from the Local Plan Inspector indicating that subject to main modifications he believes the plan is capable of being found sound and legally compliant, the amount of weight being given to West Oxfordshire's draft policies at appeal has remained limited, with some Inspectors giving them no weight at all.

This has disadvantaged local communities in West Oxfordshire who have come under pressure from speculative development and will remain so until such time as the Local Plan is formally adopted. The current system therefore creates a window of opportunity for speculative planning applications whereby local authorities – despite being close to having an adopted Local Plan – are penalised and often find themselves unable to block inappropriate development.



It is important for the revised NPPF guidance to address this issue and rebalance the system in favour of local communities and away from speculative developers. I want to see councils and local communities empowered to block unsuitable development which does not conform to neighbourhood or local plans.

Further, it is essential that enforcement of developer contributions is strengthened to maintain public confidence in the planning process, which is undermined when the public see a development built that is different in practice from what is planned, in such essentials as affordable housing or infrastructure.

Chapter 5 – Delivering a Sufficient Supply of Homes:

11. What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Whilst I support in principle the greater emphasis placed on small sites, as these can be quicker to bring forward than large strategic sites, I do not think it is necessary or indeed would be of benefit to specify a percentage requirement that local authorities must meet through plan making.

It ought to be recognised that in some cases smaller sites are more unsustainable than larger sites. This is especially the case when small sites are simply ‘stuck on’ the edge of existing towns and villages without adequate provision of infrastructure improvements. This piecemeal approach of adding a few dozen houses in different sites every six months across an existing settlement can, in the course of a few years, significantly increase the size of a village and put pressure on local roads, schools and GP surgeries.

Often allocating the same number of homes to a single site, alongside upgrades to the local transport network and the construction of a new school and GP surgery, is far more sustainable and does not place a burden on existing communities. It should be noted that this approach also means homes can be built to the same architectural specifications that are within keeping with existing settlements, ensuring that the beauty and character of areas such as West Oxfordshire are not diminished.

It is important that the NPPF promotes a balanced portfolio of small, medium and large sites to enable maximum flexibility and to ensure development is tailored according to unique local needs and circumstances.

12. Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No, I do not agree and I have significant concerns about the use of the Housing Delivery Test (HDT) which could put unfair pressure on local authorities, who are not in control of the build out rate: any measures must be aimed at developers who do not build the permissions that they have.



Whilst local authorities are able to control the granting of planning permissions they cannot directly control the delivery of new homes on those sites, which is solely the responsibility of the development industry. There is therefore a danger under these revised guidelines that local authorities could be penalised – and Local Plans bypassed – by virtue of the poor performance of developers in bringing forward permitted sites. This strikes me as grossly unfair and is completely at odds with a plan-led and community-led approach to planning.

The NPPF revisions ought to reward local authorities with an adopted Local Plan and strengthen the protections a plan provides communities against inappropriate development.

13. Do you agree with the new policy on exception sites on entry-level homes?

Whilst I am, in principle, supportive of the emphasis placed on delivering a greater number of new homes for first time buyers, I think the wording of this section ought to be reconsidered. It is not clear why such sites must be outside of existing settlements and does not sufficiently emphasise brownfield sites. It is quite possible to identify a suitable site within an existing settlement and, indeed, it should be recognised that in some circumstances entry-level homes will be more widely welcomed by the community than larger, more expensive homes. Entry-level homes are more likely to provide ‘local homes for local people,’ and the text should be amended accordingly.

I would also highlight the potential ambiguity of the phrasing ‘a high proportion of entry-level homes.’ As it is not clear precisely what ‘a high proportion’ represents, a situation could arise whereby only marginally more entry-level homes are built relative to standard open market housing. An exception site approach for entry-level homes should therefore adopt the same approach as traditional Rural Exception Sites for affordable housing.

I would note that Rural Exception Sites have been hugely effective in West Oxfordshire in providing good quality, affordable and, crucially, community-led homes for local people. The NPPF should in no way undermine the success of Rural Exception Sites in providing genuinely affordable homes in rural areas for local people.

14. Do you have any other comments on the text of Chapter 5?

I note with interest and concern that the title of this section has been changed from ‘Delivering a Wide Choice of High Quality Homes’ to ‘Delivering a Sufficient Supply of Homes.’ This places a greater emphasis on the number of new homes delivered and suggests this is more important than their quality and providing a choice of different types of tenures to meet identified needs.

I have long argued that we must not become obsessed with numbers when considering the delivery of new houses. We must shift the focus from ‘how many’ to ‘how’, ensuring that we do not just build houses – but create communities.



The quality and architectural merit of new homes must be considered of the utmost importance. In areas such as West Oxfordshire, it is vital that new homes are within keeping with the surrounding area. Homes built according to truly high-quality design and vernacular architecture are far more likely to command the support of local residents.

We must avoid, in the admirable drive to deliver more homes, diminishing the unique character and beauty of our rural communities.

I would urge the Government to consider the recent report on a 'Dedicated Strategy for Small Housebuilders' by the APPG for Small Business, for which I am Chair. We believe that small housebuilders are crucial in providing the homes the country needs and are calling for action to ensure their potential is unlocked.

We need to remove the barriers that stand in the way of small builders building new homes. This means improving their access to finance and removing the barriers to building on small sites.

It should be noted that people who were born locally, who work locally, whose company builds houses locally and whose children go to the local school and stay in the area long after the houses have been built and have weathered into the environment will ensure that the houses they build complements the area instead of blighting it.

In a similar vein, steps should also be taken to support self-build projects. There are examples of projects involving individuals and groups who come together to build impressive affordable housing schemes, and the potential to expand this sort of house-building ought to be fully explored.

Further, the public are rightly frustrated when, where there is a need for affordable, starter homes, only highly expensive, "executive" homes are built. This is in part because developers are allowed to specify affordable homes in units (a percentage,) rather than floorspace. This does not work because of the way in which their profit margins work: larger homes on a floorspace basis create more profit and affordable home numbers can be artificially depressed. Specifying the amount of floorspace to be provided is difficult for developers to step around - this should be an options for local authorities.

Chapter 6 – Building a Strong, Competitive Economy:

15. Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Yes, though it should be recognised that businesses being within close proximity to existing settlements is preferable to them being in relatively isolated places. The latter are more likely to generate significant transport movements.



16. Do you have any other comments on the text of Chapter 6?

No comment.

Chapter 7 – Ensuring the Vitality of Town Centres:

17. Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Yes, I welcome the additional protection afforded to town centres.

18. Do you have any other comments on the text of Chapter 7?

No comment.

Chapter 8 – Promoting Healthy and Safe Communities:

19. Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

I welcome the further clarification in this section which helpfully explains some of the ways in which the planning system can contribute towards healthy and safe communities. I fully agree that successful planning can promote social interaction and healthy lifestyles.

Development design should encourage walking and cycling through adequate provision of safe routes. Further, shared community spaces such as playgrounds and meeting places should be allocated to improve mental, physical and social well-being.

20. Do you have any other comments on the text of Chapter 8?

No comment.

Chapter 9 – Promoting Sustainable Transport:

21. Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning and assessing transport impacts?

Whilst in general I support the changes made to the transport section, greater emphasis could be placed on the importance of reliable connections between places in delivering modal shift. I fully agree that it is important to ensure good provision for walking and cycling, but to provide a realistic and sustainable alternative to the car the connectivity of the site with the wider transport network is equally important.



Excellent provision for cycling may be provided within a new development but if it then deteriorates when the cyclist accesses the wider transport network, then efforts to encourage a modal shift from car to bicycle will be seriously undermined.

22. Do you agree with the policy change that recognises the importance of general aviation facilities?

Yes, I fully agree with this addition, as a member of the General Aviation APPG. It is vitally important that we recognise the importance of maintaining a national network of general aviation facilities. I have visited Enstone Airfield in my constituency and note the range of benefits this site provides the local area.

23. Do you have any other comments on the text of Chapter 9?

No comment.

Chapter 10 – Supporting High Quality Communications:

24. Do you have any comments on the text of Chapter 10?

I support the modest changes proposed in this section. I would simply note that there are particular challenges for rural areas in this regard who often suffer from poor connectivity. Therefore cooperation between developers and local communities should be promoted to tackle this matter. Were a developer to contribute to upgrading the communications infrastructure of an existing settlement this would go a long way to ameliorating the effect of new housing - and it must be delivered.

Chapter 11 – Making Effective Use of Land:

25. Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

I fully support the principle of making more effective use of under-utilised land. **Existing buildings and brownfield sites should always be prioritised over greenfield sites. This approach achieves the objective of delivering more homes whilst also protecting our precious countryside.**

Whilst not particularly applicable to West Oxfordshire, I fully agree with the point emphasising the need to make more effective use of empty space above shops.



26. Do you agree with the proposed approach to employ minimum density standards where there is a shortage of land for meeting identified needs?

I support the use of minimum density standards in principle but their application should be at the discretion of local authorities. I welcome the addition that minimum density standards ought to reflect the character and infrastructure capacity of each area.

27. Do you have any other comments on the text of Chapter 11?

Consideration needs to be given as to how the NPPF can further encourage efficient build-out rates. It is not acceptable for developers to 'land bank' for long periods of time and fail to contribute to local housing need. This practice hurts communities who end up approving less suitable sites in order to compensate for the failure of developers to build on more suitable sites for which they have already been granted planning permission.

It should also be noted that there could be greater recognition that 'building upwards' above existing properties will not always be an appropriate approach and may lead to issues where the view of neighbouring properties is obstructed.

Chapter 12 – Achieving Well-Designed Places:

28. Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No, only to once again stress the importance of delivering homes of high quality design that are within keeping with existing communities. **The aim of new development should not only be to preserve the character of an area but also to go further and add to its beauty and architectural merit.**

29. Do you have any other comments on the text of Chapter 12?

I would note that consideration needs to be given as to the potential of non-traditional building techniques, such as timber frame homes, to build a greater number of homes more quickly, at a lower cost. It should be added that building in this style can have significant environmental benefits.

In a similar vein, other techniques such as modular housing should also be explored. All these different types of housing and building techniques have a role to play in delivering the homes we need, in the right places and at the right prices.

The design is crucial. Housing should not be crammed in so as to lose green spaces. We must build places not developments: settlements with character, sustainable feel and community. Places people are proud to live in and call home. We must restore public confidence in the type of developments that are being built. There must be increased green infrastructure in a real sense, proper landscaping, space for wildlife, maintaining existing



features (hedges, streams, hillocks, pastures,) rather than a list of requirements that developers can play lip service to, or in fact openly breaching of planning control.

Chapter 13 – Protecting the Green Belt:

30. Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

Provided there is no substantial harm to openness, I see no logical reason to oppose the use of brownfield land in the Green Belt for affordable housing. This is clearly preferable to building on greenfield sites.

31. Do you have any other comments on the text of Chapter 13?

Whilst I fully support the intention and principle behind the strong protections on the Green Belt, I would simply note that only a very small portion of my constituency is within the Green Belt. This means that, despite much of the greenfield land in West Oxfordshire being of superior beauty and environmental value than that within the Green Belt, sites in my constituency do not enjoy the same level of protection.

Further, that the inability to build on the Green Belt has contributed to the requirement for West Oxfordshire to build more houses to deal with Oxford’s unmet housing need. Consideration ought to be given to these points and the complex impact of the Green Belt on areas such as West Oxfordshire.

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change:

32. Do you have any comments on the text of Chapter 14?

I agree that all major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, and welcome the addition of Paragraph 163. Parts of West Oxfordshire have been seriously affected by flooding in the past and this will help to reassure my constituents that new development will not increase the risk of flooding.

For greater clarity and ease of reference, the term ‘sustainable drainage system’ should be defined in the Glossary.

33. Does Paragraph 149B need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

No comment.



Chapter 15 – Conserving and Enhancing the Natural Environment:

34. Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes, the further protections in this area are welcomed. I particularly welcome the additional clarification regarding the scale and extent of development in protected areas such as the AONB.

West Oxfordshire's landscapes will benefit from these additional protections and they will provide considerable benefits to our environment from an aesthetic and biological perspective. **It is vital that we not only protect but enhance our valued historic landscapes and I welcome these additional protections.**

35. Do you have any other comments on the text of Chapter 15?

Whilst I welcome the additional protections offered to key environmental sites in Chapter 15, concerns have been raised with me about the protection of Local Wildlife Sites (LWS). Although there are references to ecological networks, I note that LWS are not specifically listed as one of the assets that should be preserved. LWS are selected using robust scientific criteria and contain many of our most important species and habitats. **For the sake of clarity, and in recognition of their particular environmental importance, LWS ought to be explicitly listed in the revised NPPF.**

I would also suggest a revision of Paragraph 179, which refers to new development 'in' Air Quality Management Areas and Clean Air Zones. This should be amended to refer to development 'affecting' an AQMA/CAZ to reflect the fact that development may be beyond these areas but still have a significant effect, for example by an increase in through traffic.

Chapter 16 – Conserving and Enhancing the Historic Environment:

36. Do you have any comments on the text of Chapter 16?

I support the proposed changes to this Chapter and wholeheartedly support the even greater emphasis placed on conserving heritage sites of local historic value. It is right that the wider social, cultural, economic and environmental benefits that the conservation of heritage sites are fully recognised, as well as the importance of their conservation.



Chapter 17 – Facilitating the Sustainable Use of Minerals:

37. Do you have any comments on the changes of policy in Chapter 17, or any other aspects of the text of this chapter?

No comment.

38. Do you think that planning policy on minerals would be better contained in a separate document?

Minerals must be an integral part of planning given the impact on the landscape and surrounding settlements.

39. Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

There should be much more emphasis on recycling aggregates, as can be done very successfully.

Transitional Arrangements and Consequential Changes:

40. Do you agree with the proposed transitional arrangements?

There is a concern that, in the absence of appropriate transitional arrangements, the revised text of the new NPPF could render a newly adopted Local Plan out-of-date where policies are not entirely consistent.

This is clearly a situation which we would all wish to avoid and therefore **it would seem sensible to specify a set period of time (roughly 2-3 years) within which existing adopted Local Plan policies are entirely protected from the provisions of the new NPPF.** This would avoid a local authority having to go back to the drawing board for a plan which is likely to have taken several years to adopt at a not insignificant cost.

41. Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No comment.

42. Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made

No comment.



Glossary:

43. Do you have any comments on the glossary?

I refer to the second paragraph of my answer to Question 32.

The change in definition of “affordable housing” is welcome but the local authority must be free to specify the precise type.

I do not see that the change or removal of the “archaeological interest” or “historic environment” definitions are a step forward. These are important contextual, wide-ranging points.

A handwritten signature in blue ink, appearing to read 'Robert Courts'.

Robert Courts MP