

Welcome!  
Understanding Planning Workshop



Chair: Dr Martin Christopher

## Aims of the workshop

- Gain a good understanding of how planning works overall
- Understand how national and local planning policies work together, and your scope for influence
- Gain confidence in influencing planning applications
- Share knowledge and network!

## Understanding Planning

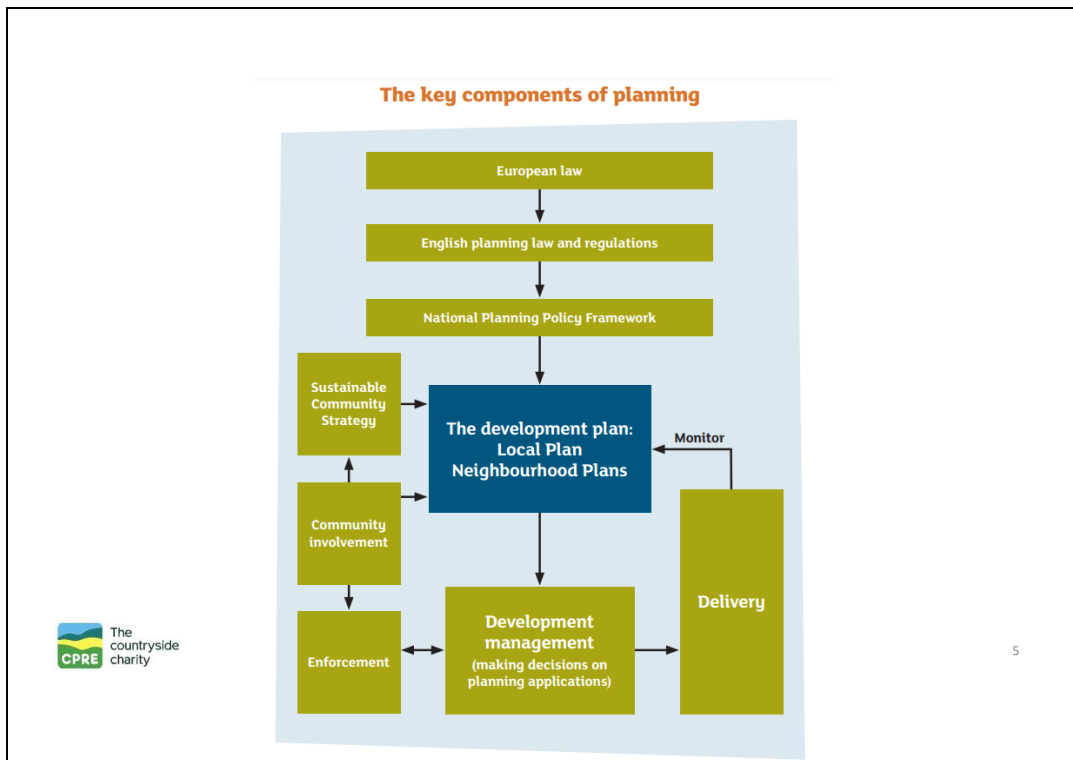
Paul Miner MA MRTPI FRGS  
Head of Policy & Planning  
(also current Acting Director  
of Campaigns & Policy)  
CPRE Bedfordshire  
30 November 2022



### **Objectives for Today**

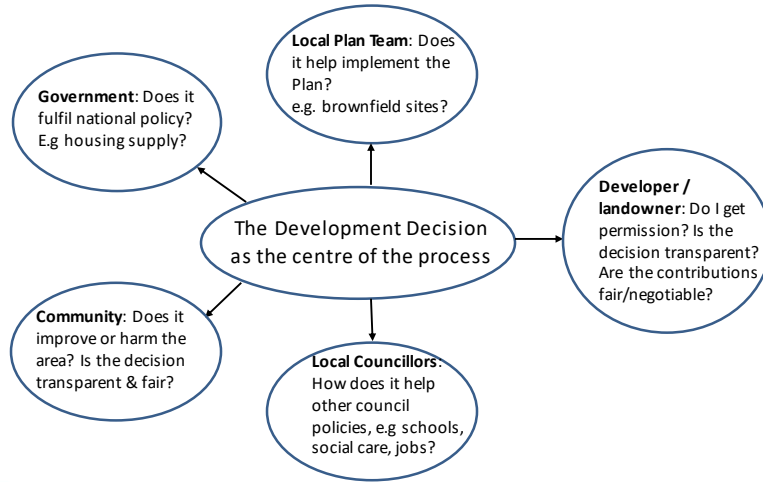
Understand how national and local planning policies work together, and your scope for influence

Update on government planning reforms



Note that the reference to sustainable community strategies is now largely out of date

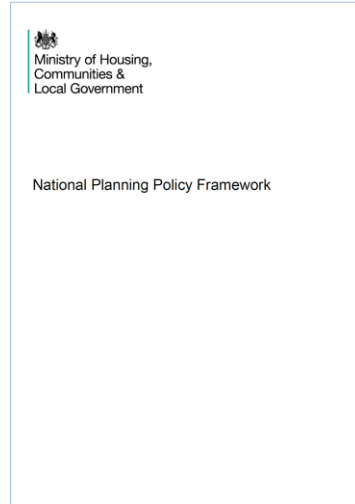
## The Development Decision



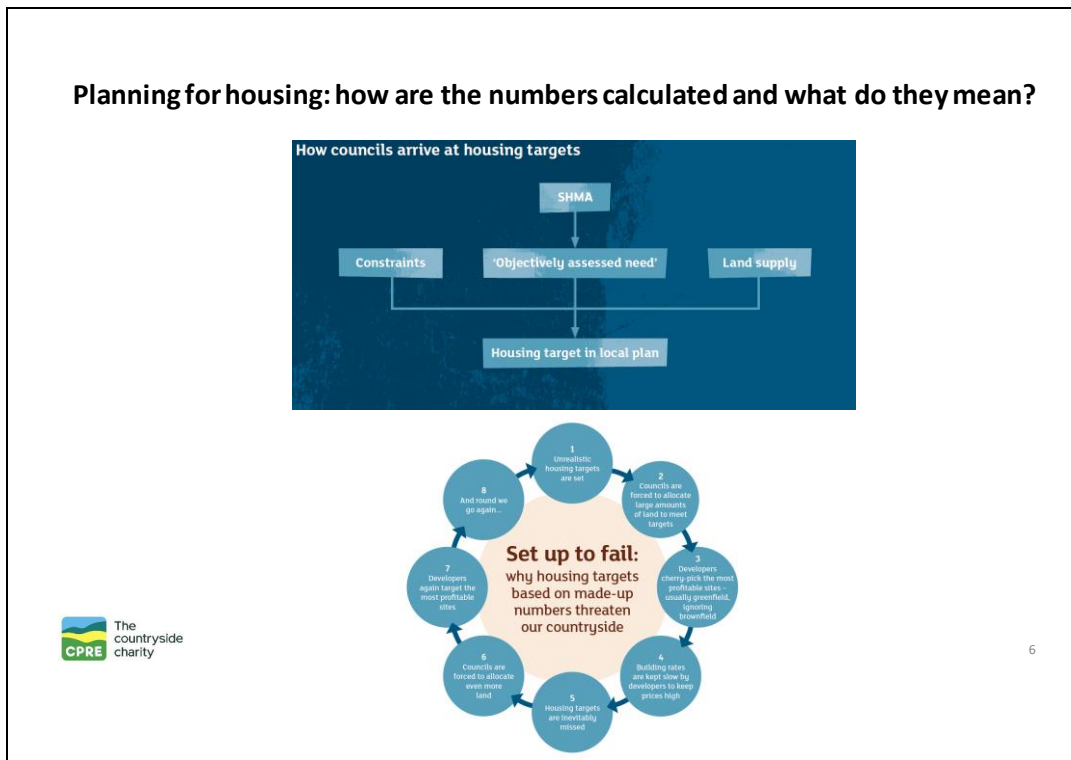
## **'A Very British Planning System': Discretionary decision-making in a plan-led system**

*Para 2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*

- The development plan is more important than NPPF at the decision stage
- **Unless** the development plan is not consistent with NPPF!



## Planning for housing: how are the numbers calculated and what do they mean?



The government planning practice guidance on housing needs assessments is at (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>)

Local authorities can currently only determine housing need and housebuilding targets using a method they determine themselves, in some very specific cases, for example for national park authorities.

The current government guidance has effectively led to the re-imposition of centrally dictated housing targets by the back door, as it requires local authorities to comply with a standard method for calculating new housing need unless they can demonstrate exceptional circumstances. The method deliberately inflates current actual levels of housing demand and need at a number of steps, thereby requiring local authorities to set targets well in excess of expected and actual rates of delivery. This inflation is further reinforced by a continued and deliberate insistence in the guidance on using out of date (2014) projections of household growth, purely because those projections generated higher household formation figures than more recent updates.

CPRE believes we need a new approach that it will make it much easier for local planning authorities to prepare, update and adopt local plans. In particular we need to allow local planning authorities to focus more on planning for genuinely affordable housing to meet local needs, and to focus more on prioritising suitable brownfield, with less scope for inconsistent decisions made (either through local plan examinations or in Section 78 planning appeals) on



the whim of individual planning inspectors. The current approach has led to many local authorities being forced to allocate sites on Green Belt and other protected land, in direct contravention of government policy pledges to protect these areas. As CPRE highlighted in a 2015 report, this has meant that local plans have been '[set up to fail](#)', and in turn is likely to be the chief explanation for reduced rates of local plan adoption in recent years.

## The primacy of the development plan

NPPF para 11 means that -

The decision-maker is obliged to decide in accordance with the development plan, unless:

- It is out of step with national policy, and/or
- There are clear reasons to do otherwise

...in which case, the decision-maker should defer to national policy.



## The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas<sup>6</sup>, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area<sup>7</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**Structure of a planning decision**

Status in Adopted  
Dev Plan?

Are most important  
policies up to date?

If not, do they  
retain any weight?

What other  
considerations apply?

What weight to  
give them?

What can be resolve with  
conditions / obligations?



**Structure of a planning decision**

**Your Influence**

Status in Adopted Dev Plan?

→ You can influence the Plan

Are most important policies up to date?

→ You have minimal influence

If not, do they retain any weight?

What other considerations apply?

What weight to give them?

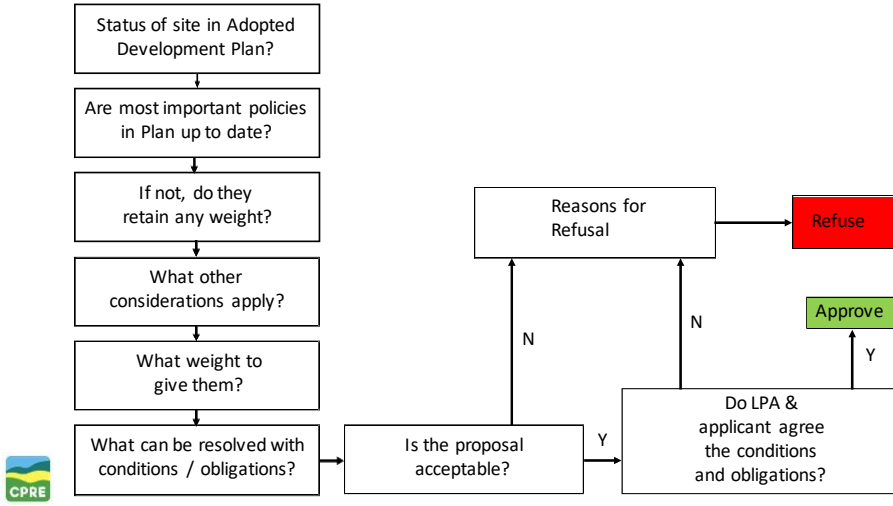
You can influence the decision-maker's judgment

What can be resolved with conditions / obligations?

→ V technical, but you can suggest conditions



**The 'decision flow': what's the structure of a planning decision?**



**Interpreting an NPPF policy: Worked example**

Para 105 Planning for Sustainable Transport

*The planning system should actively manage patterns of growth in support of these objectives [previous para].*

*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*

*This can help to reduce congestion and emissions, and improve air quality and public health.*

*However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

### **Interpreting an NPPF policy: Worked example**

Para 105

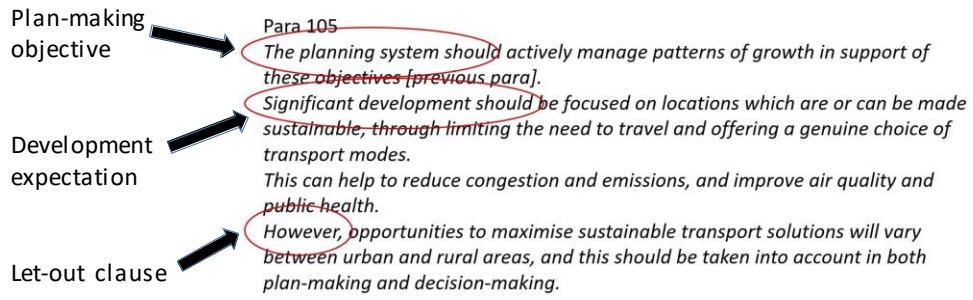
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### NPPF105: Classic policy writing!





## Interpreting a Local Plan Policy

### Policy EN4: Landscape

A. Development Decisions as well as Plans, policies and proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District of:

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- 
- 
- 
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- 
- 

This should use the approach set out in the Landscape Character Assessment SPD.

B. The following criteria will also be used to assess whether change can be considered acceptable:

1. The potential for adverse landscape and/or visual effects
2. The importance of cultural associations, historic elements in the landscape and the setting of settlements and heritage assets
3. The opportunity to contribute towards positive restoration of landscapes, particularly in the urban fringe, achieve greater habitat connectivity, enhancement of characteristic semi-natural vegetation and accessible natural greenspace

In circumstances where impacts can be managed and the degree of change made acceptable, contributions need to relate to the scale of the project under consideration, and the significance of any assets affected.

## Interpreting a Local Plan Policy

Sets the objective

### Policy EN4: Landscape

A. Development Decisions as well as Plans, policies and proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District of:

Refers to a supplementary planning document

This should use the approach set out in the Landscape Character Assessment SPD.

Sets decision-making criteria

B. The following criteria will also be used to assess whether change can be considered acceptable:

1. The potential for adverse landscape and/or visual effects
2. The importance of cultural associations, historic elements in the landscape and the setting of settlements and heritage assets
3. The opportunity to contribute towards positive restoration of landscapes, particularly in the urban fringe, achieve greater habitat connectivity, enhancement of characteristic semi-natural vegetation and accessible natural greenspace

Sets parameters for developer contributions

In circumstances where impacts can be managed and the degree of change made acceptable, contributions need to relate to the scale of the project under consideration, and the significance of any assets affected.

**Exercise: Planning for trees– NPPF131**

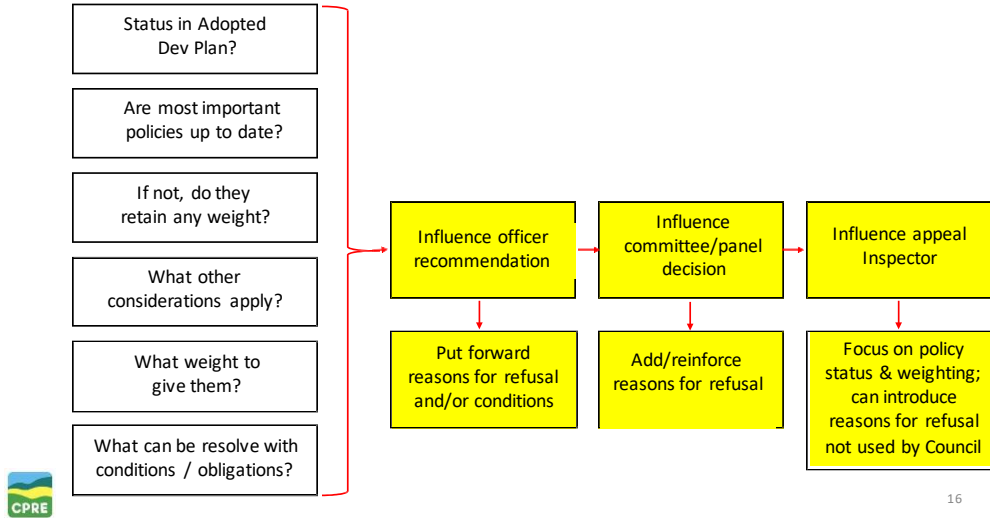
- 1. Identify the policy objective; the development expectation; and the let-out clause**
- 2. What does this policy actually require an applicant to do about new trees?**
- 3. If you didn't think an application was good enough in terms of tree-planting, how could you use this policy to highlight that?**

*Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.*

*Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.*

*Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

**When influencing a planning decision:**



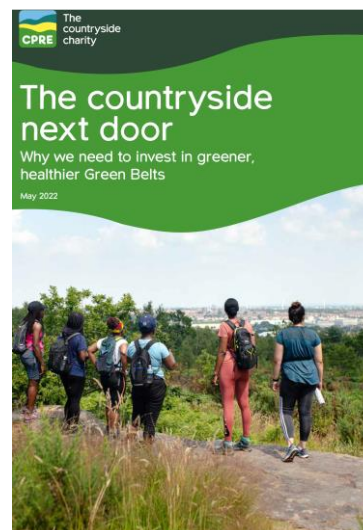
**The keys to campaign design on a planning application:**

- Determine the likely outcome
  - Using NPPF, Local Plan & other relevant evidence
- Determine your desired outcome
  - On the ground and for profile/reputation
- Base your campaign on:
  - How to move the likely outcome towards your desired one
  - How important it is to you
  - How to make the best of the communications opportunities

## Green Belt

Our latest [State of the Green Belt report in 2021](#) found:

**The current and future threat of housing development faced by Green Belt land continues to be unprecedented.** There are currently 257,944 homes proposed for greenfield land removed from the Green Belt in advanced local plans, **Developments in the Green Belt are land-hungry, and are not providing the affordable homes we need to face the housing crisis; only 10% of these are considered affordable** by the government. **We can also be doing a lot more to safeguard and open up the Green Belt through farming and land management policies:** less than one fifth of Green Belt land is covered by environmental schemes, and Green Belt land is only getting 7% of the total national investment



**The current and future threat of housing development faced by Green Belt land continues to be unprecedented.** There are currently 257,944 homes proposed for greenfield land removed from the Green Belt in advanced local plans, which remains a high level of threat in comparison to our previous reports. We are likely to see this number increase in the future, as the government's proposed method for calculating housing need will put extreme pressure on Green Belt. For example, in London there will be a need to find space for an excess of 177,907 homes beyond what current London brownfield land can accommodate, resulting in pressure on the Green Belt.

**Developments in the Green Belt are land-hungry, and are not providing the affordable homes we need to face the housing crisis;** the majority of developments are on land which was previously greenfield. Of the developments on Green Belt land between 2015/16 and 2019/20, only **10% of these are considered affordable** by the government. Furthermore, they are being built at a density of **14 houses per hectare**, which is far below that of developments outside the Green Belt. Of the Green Belt land developed, 74% of this was previously greenfield land, an increase of 8% since the previous report.

**Levels of coverage of AES in the Green Belts are relatively poor, compared to England as a whole.** Between 2007 and 2020 (and despite a small increase since 2018) coverage in the Green Belts was just under 310,000 ha, compared to just over 3.8m ha for the whole of England. **19% of all Green Belt land is covered as of 2020, compared to 28% of England.** We have assumed, based on the 2007 figures where they are the most recent available,

that **only just over a quarter (28%) of the utilisable agricultural land in the Green Belts** is now covered by agri-environment schemes. **By contrast 42% of all utilisable agricultural land in England** is covered by AES.

- Our Green Belts are getting a relatively low share of environmental improvement funding under AES, relative to their area. Our analysis of agri-environment agreements in force as of 2020 reveal a committed spend of £3.2 billion (this stretches over several years and in 2020 payments totalling £300 million were made); of this, about £510 million (15%) is committed to the countryside around towns. Within this, **only £230 million (7.25%) is committed to Green Belt land, despite Green Belts covering 12.5% of England, containing 11% of England's farmland, and being the countryside next door for half of England's population .**

## **We don't have any protected countryside – are we defenceless?**

**No...**

NPPF policies on intrinsic value of all countryside have teeth

Local protective designations are a 'material consideration'

You can also promote local character and distinctiveness through neighbourhood plans, including through the Local Green Space designation which...



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Planning Practice Guidance on landscape: <https://www.gov.uk/guidance/natural-environment#landscape>

Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.

Paragraph: 036 Reference ID: 8-036-20190721

Revision date: 21 07 2019



## The Local Green Space designation

- has been used over 6,000 times in adopted local and neighbourhood plans across England ([CPRE research](#))
- Has same weight as Green Belt in decision making, and has been upheld at appeal
- Can be as big as 46.5 ha but usually around 1.8ha
- But may be ruled out in cases when other policies protect; or when there is a live planning application



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Case in Christchurch: [Neighbourhood Watch: Council backs vote on plan despite inspector's deletion of 19 proposed green space sites | Planning Resource](#)

## **New Government – what to expect?**

- Levelling Up & Regeneration Bill – expected to become law in spring 2023

- National Development Management Policies and Infrastructure Levy will be far reaching changes

- NPPF ‘prospectus’ in coming months and then full review next year

- Investment Zones abandoned, but still speculation that Oxford-Cambridge Arc initiative, and onshore wind, may be revived



Need to spend some time on the reforms to Local Plans in Schedule 7 of the LURB; also NDMPs

## LURB – development plans

- More weight given to development plan in decision making (but note NDMPs)
- Gateway checks and local plan commissioners for ‘failing’ LPAs
- Supplementary plans with more weight than current SPDs
- Neighbourhood planning bodies can produce ‘neighbourhood priorities statements’; also ‘street votes’



Levelling-up and Regeneration Bill	
[AS AMENDED IN PUBLIC BILL COMMITTEE]	
CONTENTS	
PART 1	
LEVELLING-UP MISSIONS	
Setting missions	
1	Statement of levelling-up missions
Reporting on missions	
2	Annual etc. reports on delivery of levelling-up missions
3	Reports: Parliamentary scrutiny and publication
Review of methodology and metrics or target dates	
4	Changes to mission progress methodology and metrics or target dates
Review of missions	
5	Reviews of statements of levelling-up missions
General	
6	Interpretation of Part 1
PART 2	
LOCAL DEMOCRACY AND DEVOLUTION	
CHAPTER 1	
COMBINED COUNTY AUTHORITIES	
CCAs and their areas	
7	Combined county authorities and their areas

From the government policy paper on the LURB published in May:

The Bill makes several changes to strengthen the role of democratically produced plans, so that decisions on applications are more genuinely plan-led:

Local plans will be given more weight when making decisions on applications, so that there must be strong reasons to override the plan. The same weight will be given to other parts of the development plan, including minerals and waste plans prepared by minerals and waste planning authorities, neighbourhood plans prepared by local communities, and spatial development strategies produced to address important planning issues at a more strategic scale.

To help make the content of plans faster to produce and easier to navigate, policies on issues that apply in most areas (such as general heritage protection) will be set out nationally. These will be contained in a suite of National Development Management Policies, which will have the same weight as plans so that they are taken fully into account in decisions.

Several other changes are provided for to improve the process for preparing local plans and minerals and waste plans: digital powers in the Bill will allow more standardised and reusable data to inform plan-making; a series of ‘Gateway’ checks during production will help to spot and correct any problems at an early stage; there will be a new duty for infrastructure providers to engage in the process where needed; and the ‘duty to cooperate’ contained in existing legislation will be repealed and replaced with a more flexible alignment test set out in national policy (see below). New Local Plan Commissioners may be deployed to support or

ultimately take over plan-making if local planning authorities fail to meet their statutory duties. These changes will increase the numbers of authorities with up-to-date plans in place (currently only at 39%), giving more communities a meaningful say over new development in their area while supporting new homebuilding.

Opportunities for communities and other interested parties to influence and comment on emerging plans will be retained, with the digital powers allowing both plans and underpinning data to be accessed and understood more easily.

Local planning authorities will have a new power to prepare 'supplementary plans', where policies for specific sites or groups of sites need to be prepared quickly (e.g., in response to a new regeneration opportunity), or to set out design standards. These plans will replace the 'supplementary planning documents' which councils produce currently, but which do not carry the same weight.

The Bill will also enable groups of authorities to collaborate to produce a voluntary spatial development strategy, where they wish to provide strategic planning policies for issues that cut across their areas (echoing the powers conferred on some Mayoral combined authorities already).

Proposals which were set out in the Planning for the Future White Paper for all land to be placed in prescribed categories and linked to automatic 'in principle' permission for development in areas identified for development, are not being taken forward. Local plans, including minerals and waste plans, will also continue to be assessed for whether they are 'sound' at examination, but we will review whether the current tests are sufficiently proportionate as part of the work to update the National Planning Policy Framework, detailed below.

As well as giving neighbourhood plans greater weight in planning decisions, the Bill will increase the accessibility of neighbourhood planning by allowing parish councils and neighbourhood forums to produce a simpler 'neighbourhood priorities statement' which the local authority will be obliged to take into account when preparing its local plan. The Bill also includes new 'street vote' powers, allowing residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences. Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

## Forthcoming national work

- We'll do another State of the Green Belt report in early 2023
- We'll also do a report highlighting where the government obsession with housing numbers has led to local decisions being overridden
- Continue to work on the Levelling Up and Regeneration Bill and on the expected revision to the NPPF in 2023
- Continue to work on farming policy and call for more investment in environmentally sensitive farming in Green Belt areas, as well as more join up between farming and planning policy both nationally and locally

## Further Support

### Links to planning support tools/resources

•All practical planning guides on CPRE website: <https://www.cpre.org.uk/what-we-care-about/better-places-to-live/what-gets-built-and-where/key-planning-help-resources/>

### • national CPRE publications:

•Latest brownfield report: [Recycling our land: the state of brownfield, 2020 - CPRE](#)

•Latest state of Green belt report: [State of the Green Belt 2021 - CPRE](#)

•Latest report on state of AONBs – Beauty still betrayed: [Beauty still betrayed: The state of our AONBs 2021 - CPRE](#)

•Housing Design Audit [Housing design audit for England: report – CPRE](#)

•Local Green Space [Feb-2022 CPRE Local-Green-Spaces-full-report-1.pdf](#)



### **Local support**

CPRE Bedfordshire website: [CPRE Bedfordshire](#)

Email: [lois.wright@cprebeds.org.uk](mailto:lois.wright@cprebeds.org.uk)



**THE END**

**Thanks for taking part!**

**Don't forget to give us  
your feedback.**