

## Ministry of Housing, Communities and Local Government

### National Planning Policy Framework Consultation

#### Background to CIWEM

CIWEM is the leading independent Chartered professional body for water and environmental professionals, promoting excellence within the sector. The Institution provides independent commentary on a wide range of issues related to water and environmental management, environmental resilience and sustainable development.

#### Response to consultation questions

#### Chapter 2 – Achieving sustainable development

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

CIWEM welcomes the fact that the presumption in favour of sustainable development is still the main feature of the National Planning Policy Framework, and we are pleased that the definition contained within the plan is much clearer than in the previous Framework. However, the presumption in favour of sustainable development is undermined, and therefore weakened, throughout the document.

Paragraph 9 of the draft NPPF undermines the presumption in favour of sustainable development by stating that the sustainable development objectives are 'not criteria against which every decision can or should be judged'. This allows decision-makers and applicants the opportunity to disregard provision for sustainable development and this reference should be removed.

In order to provide a Framework capable of delivering sustainable development, it is vital that the definition of sustainable development is expanded, and that reference is made to the UN Sustainable Development Goals, which form a major part of the 25 Year Environment Plan.

#### Chapter 3 – Plan-making

##### **Do you have any other comments on the text of Chapter 3?**

The removal of the requirement for a detailed Local Plan is of great concern to CIWEM and its members and we do not support this direction. The minimum requirement in the draft Framework is for a 'strategic plan' which is too light touch. The production of a Local Plan which is not a legal or policy requirement will not be a priority for local councils who have limited

resources, and many local councils are unlikely to have the funds to produce one given other immediately pressing priorities, making a local plan discretionary. This will impact the ability of the NPPF to be successful on the aim of delivering quality and sustainable development.

Our concern over the removal of the requirement to produce a local plan is underpinned by the fact that in many cases the NPPF wording states that "Planning policies should..." however if this direction relates to something which is in itself discretionary, there is not even the potential for fall-back on the NPPF itself if policies or more detailed plans are absent. There are too many opportunities for what are, generally speaking, well-worded requirements to be circumvented on such technicalities.

The NPPF, as a means to enable the Government's targets on housing delivery, should look beyond immediate concerns around delivering certain numbers of units, and operate as a framework to deliver lasting quality in development. This means well-conceived, planned, designed development which has high standards of efficiency, climate resilience, is designed to promote sustainable modes of transport and features high levels of green infrastructure. Whilst core NPPF content does direct such kinds of requirement, without local context established by a Local Plan, underpinned by appropriate supplementary policies, this quality and value will not be achieved.

There appears to remain a preconception that elements of design and development such as high efficiency, resilience or green infrastructure are an expense and burden to developers. They are not. Local planning authorities must be given the tools and the clear direction by Government to provide high quality development otherwise the complex range of pressures at play, which need proper consideration and management, will ultimately result in development which is far from sustainable.

## **Chapter 4 – Decision-making**

### **Do you have any comments on the text of Chapter 4?**

Viability assessments only take into account capital cost of development. There is no provision to include consideration of whole life costs, or a cost benefit analysis of investment which, using the example of sustainable drainage systems, would highlight the benefits to health, well-being and the environment which outweigh the capital cost (which in any event should very often these days be cheaper than more conventional drainage solutions IF the scheme is well designed). Viability assessments allow developers to disregard the presumption in favour of sustainable development and can lead to poorly-designed and unsustainable development. CIWEM recommends that viability assessment requirements be revised further to include a cost benefit analysis.

## **Chapter 5 – Delivering a sufficient supply of homes**

### **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. Before this rule applies, there should be an assessment of why delivery is so much slower than the required rate. It is vital to establish whether it is due to requirements of local planning

policy, or whether it is due to other factors, for example land banking, which would need to be tackled.

### **Do you have any other comments on the text of Chapter 5?**

CIWEM supports the ambition to provide a sufficient supply of new homes, but the provisions within the Framework support a programme of housebuilding focused on quantity instead of quality. There is an understandably clear and strong focus on housing need and number, but not on the quality or sustainability of those new homes, or on the creation of sustainable communities around new housing stock. CIWEM believes that it is important to include reference in this Chapter to the sustainable development objectives.

### **Chapter 8 – Promoting healthy and safe communities**

#### **Do you have any other comments on the text of Chapter 8?**

The 25 Year Environment Plan stated that Defra would be ‘working with the Ministry of Housing, Communities and Local Government to see how our commitments on green infrastructure can be incorporated into national planning guidance and policy.’ Whilst there is reference to green infrastructure in the Framework which is welcomed, CIWEM believes that further promotion of this is vital to achieve the aim of healthy, inclusive and safe communities.

The evidence base pointing towards the benefits of access to green space and green infrastructure for physical and mental wellbeing is extensive and this goes far further than issues such as re-development of playing fields. It is as much the overall amenity value of an urban space, affected by street trees, small patches of green space, etc. worked into the fabric of the overall development. There is no reason why such components cannot be included even in high density development. We do not consider that such emphasis is adequately made by the present wording and this should be addressed.

Additionally, no reference is made in the Framework to the ‘stronger new standards for green infrastructure’ promised in the 25 Year Environment Plan, which does not bode well for their delivery. This omission should be addressed in the final updated NPPF.

### **Chapter 9 – Promoting sustainable transport**

#### **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 for transport and assessing transport impacts?**

We are pleased to see reference to the need to provide for high quality walking and cycling networks but consider this provision to be too weak as currently set out. It is presented as something that planning policies should do. However, if local policies are absent then there is no provision to drive such networks. Given the growing health challenges associated with sedentary lifestyles and the positive impacts which moderate daily activity can have on both health and productivity (again, as per our comments in relation to green infrastructure the evidence base to this effect is extensive), this wording needs to be stronger and should be a clear priority for urban areas in particular.

## Chapter 12 – Achieving well-designed places

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

CIWEM believes that reference should be made in this section to promoting health and well-being through walking, activity and the provision of green spaces and green infrastructure, which are essential for a 'well-designed place'.

## Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

The NPPF appears to be nearly silent on water resources apart from a single mention in Para 148. The availability of sufficient potable water is an important issue for climate adaptation particularly in London and the SE where there is much development pressure and current scenarios suggest the greatest impact on summer precipitation.

The use of the word "risk" differs from the definition given in Paragraph 2(1) of the Flood and Water Management Act (2010). In the FWMA (2010) risk is defined as "a combination of the probability of occurrence with its potential consequences". However, in the proposed NPPF flood "risk" is almost exclusively used as a synonym for the probability or likelihood of flooding. Effective development planning will ensure that the overall consequences of flooding are not increased materially by the development decisions and so the risk will not increase. A site-specific flood risk assessment document will cover both the probability of flooding and the consequences of flooding.

There is no reference in the policy to the online guidance on the Planning Portal for flood risk issues including the details of the Sequential and Exception tests

Flooding issues are absent from the Glossary.

We have the following specific suggested edits to the text:

Add an explicit reference to water resource requirements to the list of examples in 2nd sentence of Para 148. Note that in line 3 of Para 148 the repeated comma before "water supply" should be deleted.

At Para 149 (a) add some examples of impacts of climate change to be considered including, flood risk, water scarcity, coastal erosion, and heatwave. After "green infrastructure" add ", designing for drainage exceedance and ensuring that new buildings in flood risk areas are flood resilient".

At Para 153 (a), insert "cumulatively" before "even" to read "... that cumulatively even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions ..."

At Para 154 or in the Glossary of Annex 2, provide a definition of flood risk. The use of the word "risk" differs from the definition given in Paragraph 2(1) of the Flood and Water Management Act (2010). In the FWMA (2010) risk is defined as "a combination of the probability of occurrence with its potential consequences". However, in the proposed NPPF

text flood “risk” is almost exclusively used as a synonym for the probability or likelihood of flooding.

In Paras 154 to 162 inclusive, review the use of the phrase “flood risk” to clarify whether the sense should be construed as the probability of flooding or the actual risk as defined in the FWMA (2010), Paragraph 2(1). Consider using the synonym “likelihood” for “risk” where only the probability component of risk is intended.

Should Para 155 refer in a footnote to Paragraph 6(13) and 6(14) of the Flood and Water Management Act (2010) for the full definition of flood risk management authorities?

At Para 156 (a) add a footnote to give a fuller description the sequential and exception tests by reference to the current documentation on the Planning Portal.

At Para 161 (b) include a footnote to clarify the difference between flood “resilient” and “resistant”, either with a description, or reference to other guidance. It should be made clear that such flood resilience should be considered as far as the individual property level. Alternatively include definitions in Annex 2.

At Para 163(d), after “multifunctional benefits” add “which address water quantity, water quality, amenity and biodiversity considerations.”

## **Chapter 15 – Conserving and enhancing the natural environment**

### **Do you have any other comments on the text of Chapter 15?**

CIWEM welcomes the promotion of the enhancement of natural capital, and reference to a catchment-based approach in the Framework. However, these should both be strengthened further. Both approaches form an integral part of the 25 Year Environment Plan.

The 25 Year Environment Plan also includes many provisions which require the support of the planning system, for example Nature Recovery Networks. However, these Networks are not explicitly referenced in the Framework. We suggest amending para 168(d), after “ecological networks” add “such as Nature Recovery Networks”.

## **Glossary**

### **Do you have any comments on the glossary?**

There is no definition of Natural Capital in the glossary, despite reference being made to it in the Framework. This should be added.

Depending upon actions taken on comments supplied above for Q32, consider adding some flood related terms to the Glossary. These could include:

- Flood risk is a combination of the probability of occurrence of a flood with its potential consequences (See Paragraph 2(1) of the Flood and Water Management Act (2010))

- Flood resistant characteristic of a structure or system that experiences no or little damage as a consequence of exposure to flood water for example either by choice of materials or sealing a property from the ingress of flood water
- Flood resilient characteristic of a structure or physical, environmental or social system that can return to normal function soon after the exposure to flooding has passed
- Flood risk assessment is a formal document that accompanies a planning application, describing and evaluating the flood risk issues covering both the probability and consequences of flooding for both the application site and off-site, together with measures to mitigate the flood risk.