



BATH PRESERVATION TRUST

October 2011

National Planning Policy Framework

Response to consultation version July 2011

Our response comes in two sections: this overview (6 pages) and the detailed consultation response on the DCLG pro-forma.

Background to the Bath Preservation Trust

1. The Bath Preservation Trust was set up in 1934 to safeguard the historic city of Bath, now the only complete city in the UK afforded World Heritage Status. The purposes of the Trust are to:
 - encourage and support the conservation, evolution and enhancement of Bath and its environs within a framework appropriate both to its historic setting and its sustainable future, and;
 - provide educational resources, including museums, which focus on the architectural and historic importance of the city.
2. The Trust does this by:
 - Campaigning and providing expert advice and opinion of planning applications, planning policy and legislation, and other matters affecting the World Heritage site and its environs;
 - Running museums with specific themes and collections relating to the Georgian period, its economy, its buildings, social life and personalities;
 - Providing educational resources, lectures, talks and events for all ages, in particular relating to the Georgian buildings in Bath; and
 - Having the active membership of involved and concerned subscribers.
3. The Trust is a registered charity supported by over 1400 members, who share a passionate concern and interest in the city. We receive no government funding, but

are financially supported by our members, by grants and donations, and by income from our museums.

4. As a local amenity group, we have direct experience of the planning process. A key part of fulfilling our charitable remit involves scrutinizing and commenting on local planning applications, and making representations on them: we are also seen as an important pre-application consultee for local developers or householders. To carry out this role, we have volunteer trustees and advisers with considerable planning and architectural experience and expertise, and we currently have two qualified planners, including a conservation planner, on the staff.

Overview of the Bath Preservation Trust position on NPPF

'We must guard against today's danger – that all the studies, the consultations, the reassurances we have endured will be to no purpose; and that Bath will after all develop a suburban sprawl while the City Centre is left to rot'¹

5. Our response focuses on the impact of the draft NPPF on the city of Bath, the only complete city in the UK to be designated a World Heritage Site. We do not believe the current draft of the NPPF is fit for purpose, nor will this draft achieve its desirable aims of simplifying or streamlining the planning process while continuing to safeguard our precious assets. Rather, it will lead to an increase in planning appeals and create substantial risk to 'everyday England' whether rural or urban. Our detailed comments and drafting suggestions are aimed at improving this position.
6. Our response has also benefited from exchanges at draft stage with Historic Towns Forum, Historic Houses Association, Civic Voice, various local civic societies and preservation trusts (eg Oxford) and others; from attendance at an NPPF 'roadshow' by DCLG officials; from one-to-one discussions with officers of English Heritage; and from hosting an NPPF workshop ourselves with the Historic Towns Forum.
7. In summary, the overarching themes of our consultation response relate to:
 - The lack of clear and consistent definition of sustainability;
 - The 'presumption of yes' and the lack of evidence of need for it;
 - The potential impact of the abolition of 'Brownfield before Greenfield' and the potential impact of other NPPF changes in the World heritage Site of Bath together with other historic towns and cities: and
 - The lack of clarity which will arise from the abolition of detail in national policy and the need for appropriate transitional arrangements.

¹ Adam Fergusson, 2010 in the new Preface to *The Sack of Bath* reissued by Persephone Books 2011

One: Sustainability

8. Good planning is about getting the right development, in the right place and at the right time, and in an integrated way. It is also about where development should not happen and how development interacts with its surroundings. Development which is sustainable in one locality may be unacceptable in another. Sustainability therefore needs to be both **defined clearly and unambiguously** (for instance as the DEFRA 2005 definition) and then needs to be interpreted at a local level in such a way as to respond to the local context. Decision-makers need to give a balanced weighting to economic, social and environmental factors, rather than being required to weight economic growth to the exclusion of others. Local authorities need to be clear that they have the power to reject manifestly unsustainable developments. Indeed, where a development is clearly unsustainable in its local context there should be a '*presumption of no*'. For example, examples with energy advantage can be accepted without sufficient weight being given to other factors and without serious assessment of alternative approaches.

Two: The unproven need for the double 'presumption of yes'

9. There has always been a presumption in favour of development, AS LONG AS it met the caveats and protections required to ensure good development. However, it has been made clear by Ministers and the impact assessment that the 'presumption' in the draft NPPF is 'new'. The 'new' element can therefore only be that economic grounds are able to over-ride such safeguards.
10. Bath Preservation Trust is not convinced by the arguments presented to demonstrate a need to completely restructure the planning system with this double 'presumption of yes'. According to the Impact Assessment, 90% of planning applications are determined in-year; only 3% go to appeal. Bearing in mind that some applications are presented unsatisfactorily, this suggests a minor, rather than a major, problem with the planning system; and there is no direct evidence presented to indicate that that this problem relates to planning policy. The shortage of housebuilding, an example frequently cited, is not caused by the absence of extant permissions; many exist nationwide. While there is some evidence that the planning *process* could be streamlined, our experience locally has been that local authority cuts and restructuring have led to greater delays in the process which will not be helped by a national shake-up at this stage, and that detailed, unambiguous national as well as local policy statements can assist rather than hinder planning activity. In particular,

the presumption of yes *'when the local plan is absent, silent, indeterminate, or where relevant policies are out of date'* risks the acceptance of inappropriate, unsustainable development wherever there is a policy vacuum, not least immediately after the introduction of the NPPF.

Three: The potential impact as drafted on a locality: Bath, a World Heritage Site

11. There is vast economic benefit in preserving the heritage and aesthetic quality of Bath through a vigorous and well applied planning system. Conversely there is great potential damage which can be inflicted by an over-relaxation of planning control. In the current draft, there is little emphasis on World Heritage Sites and the special arrangements relating to them and their settings. The Birds and Habitats Directive is mentioned by name as it is an international obligation, but other international obligations, such as those relating to WHS's, are not so clearly cited. Bath, a World Heritage Site (WHS), currently lacks policies in a number of areas which are of critical importance in deciding what constitutes sustainable development in the local context. For example:
 - There is no designated buffer zone for Bath, despite such a zone being recommended practice for WHS's;
 - The WHS landscape setting strategy is not yet adopted as SPD;
 - There is no building heights or view management SPD in place;
 - Flood risk mitigation has relied on the detailed provisions of PPS 25, which is abolished by the NPPF.
12. The apparent restriction in Para 21 of the draft NPPF on local SPDs might limit the ability of the local authority to introduce such SPDs, as it is difficult to see how they would *'help to bring forward development at an accelerated rate'* or could guarantee that they would not *'add to the financial burdens of development'*.
13. In addition, the removal of the *'Brownfield before Greenfield'* restriction has potentially dire consequences for the Centre of Bath. Bath is always relatively expensive to develop, as there is archaeology across the city centre, 60% of the City is a conservation area, and the internationally recognized outstanding universal value of the World Heritage Site requires special consideration to be given to materials, style and form of buildings. Yet there are large areas of the City, largely those redeveloped in the 1960s and 70s, which currently require regeneration. If there is no mechanism to encourage developers and decision-makers regenerate previously-developed land, it is more likely that the local authority will be pressured to make changes to its green belt boundaries to permit out-of-town extension, rather than do the difficult work of inner city regeneration. An example of unsustainable development which took place in Bath when planning restrictions were weakened is illustrated overleaf:



Kingsmead House, built as Government offices in the heart of historic Bath in the 1960s when government buildings were unfettered from planning restrictions. Vacant for 5 years, commercially unviable as offices, it is currently scheduled for demolition.

14. We are concerned that the NPPF seeks to reduce the level of protection offered to heritage assets (designated or undesignated) which are not of the highest significance. To quote Adam Fergusson again: *'The Sack of Bath in 1973 warned that the glories of Bath were losing their frames – the contemporary artisan streets and little buildings which set them off so charmingly. The authorities held that unless they were swept away the city could not be 'comprehensively developed'.*² The risk created by the NPPF is that while the authorities may have learnt the lessons of the 1960s and 70s the 'presumption of yes' will override their ability to influence positively (or resist) any development which purports to deliver economic growth but which would damage the character of our historic towns and cities.

Four: The risk that the NPPF reduces, rather than increases, clarity and the need for transitional arrangements

15. The NPPF seems to **confuse brevity with clarity**. The national debate around the draft has demonstrated that there are many areas where the NPPF is ambiguous or gives rise to different interpretation: it is also silent on many matters covered effectively and in more detail in existing PPSs/ PPGs. It does not distinguish between policies, guidance and descriptive text and is not therefore a useful tool for planners or developers to use. There is as yet no practitioners' guide, though one is promised. Further, it will necessitate the creation of local planning policies where previously national policies existed to cover matters of process and detail, for instance relating

² Adam Fergusson, 2010 in the new Preface to *The Sack of Bath* reissued by Persephone Books 2011

to the historic environment. Local authorities are unlikely to be ready to deal with the policy vacuum that will be created by the removal of such detail from national policy. Many of the guidance documents to be abolished have significant impact on a city such as Bath and its environs, particularly PPS 1, PPS2, PPS5, PPS7, PPS 22 and PPS25. The local draft core strategy was premised on the continuing existence of national policy and therefore elements of national policy will now have to be incorporated in the local plan if the local community believes them to be necessary for the delivery of the local plan. Played across a national stage, **it cannot be effective or efficient for 433 local authorities** to have to rewrite their local policies where previously national policy was in place.

16. The risk of a policy vacuum and associated 'planning by appeal' means that clear transitional arrangements need to be brought into place for Councils to update their local plans: and that the NPPF should not be finalised until there is absolute clarity about the relationship between the Localism Bill, the NPPF and previous statutory planning provision. A **simple diagrammatic representation of the proposed new planning hierarchy** would be helpful in this context. In addition the NPPF should not be released without the promised Practitioners' Guide and until the review of planning policy documents referred to in the Impact Assessment has taken place and new guidance re-issued. In the interim, the PINS advice, even in its new form, should be withdrawn.
17. A possible suggestion for transitional arrangements might be to introduce the NPPF changes in a small number of **'pilot' LPAs** with different economic and spatial challenges and needs, by way of a pilot to test the proposition that the NPPF will achieve the goals it has set for itself and avoid negative unintended consequences.

Caroline Kay

Caroline Kay, Chief Executive, for Bath Preservation Trust: October 2011