

meeting **JOINT COMMITTEE ON STRATEGIC PLANNING & TRANSPORT**

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from: **JOINT OFFICER STEERING GROUP**

Report

NATIONAL PLANNING POLICY FRAMEWORK

Purpose of Report

1. This report updates members on the National Planning Policy Framework arising from the work of the Coalition Government.
2. **National Planning Policy Framework (NPPF)**

On 25th July, the Government published its draft National Planning Policy Framework (NPPF) on which it is seeking views by 17th October 2011. The Government aims to have the new Framework in place by April 2012.

It is proposed that the NPPF will replace the suite of existing topic-based Planning Policy Statements, Planning Policy Guidance Notes and other Government guidance on planning policies. The aim is that the simplification of planning guidance will assist in delivering sustainable development and growth.

3. **The following summarises the draft NPPF:**

Delivering sustainable development:

Much of the draft NPPF summarises existing national planning policies and guidance, although the new emphasis is more 'pro growth'. The main theme of the draft NPPF is that it seeks to be pro-development – positive, proactive and simple. ***The default answer to development proposals should be 'yes'***, except where this would compromise key sustainable development principles.

A ***presumption in favour of sustainable development*** is the 'golden thread' running through both plan-making and decision making in the NPPF. The 'presumption in favour' means that Local Plans should seek to restrict development only where the adverse impacts of development outweigh benefits when assessed against the NPPF.

The draft NPPF describes delivering sustainable development in planning terms as:

- **planning for prosperity (an economic role)** – use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure

- **planning for people (a social role)** – use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
- **planning for places (an environmental role)** – use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.

Plan-making:

The NPPF refers specifically to 'local plans', rather than 'local development frameworks'.

Each Local Planning Authority (LPA) should produce one plan for its area - the local plan - which can be reviewed in whole or part.

LPA should prepare Local Plans with sufficient flexibility to respond to rapid shifts in demand or economic changes. LPAs should approve development proposals that accord with these plans without delay and where planning policies are ***out of date or a plan is absent, silent or indeterminate, they should grant approval.***

The framework suggests that Local Plans should cover a 15 year period, although it appears that Councils will be free to select a different period.

Local Plan policies should not threaten the viability of development.... 'contributions or other requirements should, when taking account of the normal cost of development and on site mitigation, provide acceptable returns to a willing land owner and willing developer to enable the development to be deliverable.'

The Community Infrastructure Levy (CIL) should be used by LPAs to encourage new development and support it to happen. ***A "meaningful proportion" of the money from the CIL should be allocated to the neighbourhoods*** that will host the new development for them to decide how to spend it.

Proposals for a community infrastructure levy should, where possible, be worked up and tested alongside the local plan. CIL charges should be tested as part of the development of the local plan.

Joint working:

LPAs will have a duty to co-operate on planning issues that cross administrative boundaries. Government expects cross boundary working between LPA, particularly on strategic matters, including requirements that can not be met wholly within one LPA area. It also suggests the preparation of joint planning policies on such matters.

Separate guidance:

Additional development plan documents should only be necessary exceptionally and used where clearly justified. Supplementary Planning Documents (SPD) should not be used to add to the financial burdens on development and should only be used where they would help to bring forward sustainable development at an accelerated rate.

Neighbourhood Plans:

Neighbourhood plans should be in conformity with the strategic policies in the local plan, but the draft NPPF also suggests that, ***policies in the neighbourhood plan will take precedence over existing policies in the Local Plan where they are in conflict.***

Development Management :

The NPPF intends that the relationship between development management and plan-making should be seamless and that LPAs should:

- Approach development management decisions positively, looking for solutions, so that planning applications can be approved wherever practical
- Attach significant weight to the benefits of economic and housing growth
- Influence development proposals to achieve quality outcomes
- Enable the delivery of sustainable development proposals

Planning for prosperity

Business and Economic Development:

The objectives include the need to plan proactively to meet the development needs of business, to promote the vitality and viability of town centres and raise the quality of life in rural areas. Although the draft NPPF suggests that retail and leisure uses should be located in town centres where practical, and sets out the need to take a sequential approach to such development, in contrast to the current PPS4, ***it does not include any such requirement for offices or other 'town centre' uses.*** Indeed, the draft is silent on the specific spatial requirements for offices and other main forms of employment development. Planning policies should avoid the long term protection of employment land and floorspace. Any proposals for alternative uses for such land that conflict with established policies should be considered on their merits, having regard to market signals and the relative need for different uses.

Transport :

The key message remains that development should be in highly accessible and sustainable locations. The major change is that ***the ceiling on parking standards should be set locally*** having regard to accessibility and the objectives of the NPPF. Proactive strategies are expected for the planning of infrastructure investment – working with neighbouring authorities and transport providers.

Communications infrastructure:

Local planning authorities should support the expansion of the electronic communications networks, including high speed broadband. They should aim to keep the numbers of masts to a minimum while maintaining efficiency of the network, including that local planning authorities should not question whether the service to be provided is needed.

Planning for people

Housing:

The NPPF refers to housing demand as well as housing need when considering housing requirements in a local planning authorities area (para 28). LPAs should identify and maintain a five year rolling supply of deliverable housing sites, which should include ***an additional allowance of at least 20% to ensure choice and competition in the market for land.*** The emphasis on providing mixed, sustainable communities remains. The draft NPPF incorporates the new definition of affordable housing that includes 'affordable rent' and excludes 'low cost market' housing. The guidance maintains the emphasis of providing such housing 'on site', ***but removes the minimum threshold of 15 dwellings of which to start requiring affordable dwellings.***

The target that 60% of new homes should be built on previously developed land is to be abolished.

Design:

The guidance about design summarises that in the current PPS1 with an additional suggestion that ***significant weight should be given to truly outstanding or innovative design***. LPAs should have local design review arrangements in place and refer proposals for national design review where appropriate.

Developers should engage with the community on design and proposals should be considered more favourably where they have incorporated engagement with the community.

Sustainable Communities:

The draft NPPF encourages the engagement of local communities in developing policies and proposals. There is surprisingly detailed guidance about the development of schools and, in particular, the need to attach significant weight to the desirability of establishing new schools. The guidance promotes the continued protection of sports and recreational buildings and land, but acknowledges that LPAs will need to consider the need for and benefits of development affecting such sites.

The draft introduces guidance that will seek to protect ***local green spaces*** (to be identified through Local and Neighbourhood Plans) in a similar manner to green belt policy.

Green Belt:

The draft NPPF continues the current guidance in PPG2 – green belts.

Planning for places

Climate Change, Flooding and Coastal Change:

LPA should adopt policies for a building's sustainability that are consistent with the government's zero carbon building policy and adopt nationally prescribed standards (presumably rather than locally derived standards). The draft NPPF summarises guidance in PPS25 – development and flood risk and the sequential and exception tests in that document will remain in place.

Natural and local Environment:

The framework includes continued protection for valued environmental assets, such as national parks and AONB and the need to conserve and enhance biodiversity. LPA are encouraged to focus on development and land use and the impact of the use, rather than the control of processes or emissions that are covered under separate legislation. The framework also suggests that where planning decisions have been made, planning issues should not be revisited through that separate legislation.

Historic Environment:

The draft NPPF reflects the current objectives of PPS5 and summarises the policies within it. The emphasis remains on conserving heritage assets in a manner appropriate to their significance.

Waste:

There is a reference in the Framework to the fact that it is CLG's intention to publish national waste planning policy alongside the National Waste Management Plan for England. Until such time the PPS on Waste remains in place. This explains the apparent omission on waste. Even so authorities preparing waste plans clearly need to have regard to the NPPF policies.

4 RESPONSE

The Councils have the following key points to make:

- While, on the face of it, simply focusing the application of National planning policy to address what are short-term economic circumstances, the effect of the draft document is, through many details, to establish a more pro-growth approach and remove much of the context that has established Sustainable Development in this country. Consequently there is a threat to the balance of the social, environmental and economic factors that make up sustainable development.
- We would like a National Planning Framework to provide a national 'spatially focused bigger picture' which brings together strategic infrastructure planning with broader national economic development initiatives and priorities, as well as land-use considerations - as opposed to general guidance. In this context, the NPPF does not take a 'spatial approach'
- The draft is not comprehensive, is partial in consideration of some issues, and, does not seek to reconcile the inherent tensions between different policy objectives. It is also unclear as to where it relates to Government circulars and Acts of parliament, for example the Flood Water Management Act.
- We are concerned that there will be many different interpretations of what constitutes 'sustainability', and that this will prove to be a fruitful source of delay and confusion at appeals and other planning examinations, as well as delivering poor decisions. The Draft does not set out or define any clear outcomes that describe sustainable development; the 'Golden thread'. It states that the framework policies "articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations." The forward indicates that "This framework sets out clearly what could make a proposed plan or development unsustainable." This may be an error, as the only description of something not being sustainable is with reference to the Birds and Habitats Directives.
- Makes no reference to the importance (or otherwise) of bringing previously developed land (PDL) back into use, and makes little or no reference to regeneration.
- The draft contains many instances of absolute statements that cut across the reading of the document as a whole.
- Whilst we understand and generally support the Government's wish to promote growth and development, we feel that the expectation (para 14) that development will be approved unless its adverse impacts "would significantly and demonstrably outweigh the benefits, when assessed against the policies (in the Framework) taken as a whole" (a) tips the scales too far in favour of a blanket and uncritical approval of development; (b) sits uneasily with the principles of localism and (c) would be a near-impossible test to apply in practice, in relation to a fifty-two page policy document, inevitably containing policies that would point towards different conclusions.
- The combined effect of the relaxation of the town centre first policy for office developments and the removal of maximum parking standards will deliver a 'double whammy' of negative impacts as it will allow for more unsustainably located development with unrestricted amounts of car parking.

- Concerned over the need for transport impacts on developments to be severe if a refusal is to be sustained.
- Concerned over the potential for Neighbourhood plans to designate and protect open space, and their primacy over the Local Plan where in conflict.
- One interpretation of the statement that "local planning authorities should facilitate development throughout the economic cycle" is that infrastructure contribution requirements should be set at a level that can be sustained even at the very bottom of the economic cycle. This would seriously restrict the contribution that CIL could make to meeting infrastructure needs.
- Whilst we welcome the strengthening of the duty to cooperate that has emerged with the passage of the Localism Bill, we do not believe it has gone far enough to address adequately the gaps left by the abolition of regional strategy, in particular utilising the perspective of strategic planning authorities, including county councils.
- There is a potential conflict within the NPPF between part of it encouraging the making of long-term designations of land and part of it seeming to discourage it in the case of employment land, in connection with short-term economic needs.
- The draft requests housing supply to be at least 20% more than the 5 year supply. This seems to be a means of increasing authorities' housing allocations by stealth. In addition, the way in which it is established is unclear.
- Welcome the Government's decision not to pursue the idea of taking large parts of school-related development out of planning control.

The comments of the Joint Committee will be referred back to the two authorities to respond accordingly.

RECOMMENDATIONS

It is RECOMMENDED that Members of the Committee discuss and note the contents of the report, and prepare a joint response on matters of common interest to be ratified by the chair and vice-chair.

Background Papers

National Planning Policy Framework:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

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