

National Planning Policy Framework (NPPF) Published 27.3.12 Initial Observations (paragraph references in brackets)

General

- Brevity retained, but content quite different to the draft. Some of DCLG Select Committee and other responses to the draft appear to have been picked up. Also recognition for some of the Portas review recommendations in relation to town centres.
- NPPF does not cover significant infrastructure projects or waste policy, which will be a separate policy document.
- The Planning Policy for Traveller's sites published on 25th March is to be read alongside the NPPF (the intention is to incorporate it into the NPPF once implementation has been tested).
- There are some conflicting messages throughout the document (for example, investment in business should not be over-burdened by the combined requirements of planning policy expectations, yet the core planning principles suggest a comprehensive suite of protection policies will be required (21)). Local Planning Authorities will have to address in relation to the specifics of their areas.
- **Full weight is to be given adopted Local Development Framework policies approved since 2004 until 27.3.13**, even if there is a limited conflict with the NPPF (214). But the NPPF is now a material consideration in decision making and after 12 months and in the absence of a new Local Plan only 'due weight' to be given to existing policies (215).

Specific Comments Plan-Led System

- The NPPF supports the development plan-led approach (2), a footnote explains that the development plan comprises Local Plans and any adopted Neighbourhood Plans for an area.

Sustainable Development

- The definition of sustainable development has been broadened slightly, but does not take us much further. The 12 core planning principles (17) provide more insight. The first 5 are aimed at promoting growth. The remaining 7 are more protectionist in nature. The inference is that there is no 'one size fits all' definition and that Local Planning Authorities (LPAs) should come up with their own definitions and base policies on them.

- In the Introduction (6) it says that virtually the whole document represents the Government's view of what Sustainable Development means.
- **The NPPF expressly states that it does not change the statutory status of the Development Plan as the starting point for decision making.**
- Regarding the presumption in favour of sustainable development, for plan making this is described as responding positively to “objectively assessed needs” (14).

Employment Land

- One of the major policy conflicts between the adopted LDF and the former draft NPPF was the issue of the protection of employment land. The approach has been softened in the final NPPF (22) to say that where there is no reasonable prospect of a site being developed for commercial uses other uses will be looked at favourably. This amendment means that our LDF is generally in compliance with the NPPF and should therefore carry significant weight as saved policy for the 12 month transitional period for preparing Local Plans.

Town Centres

- ‘Town Centre First’ and the sequential testing of alternative sites are retained. Some references to Mary Portas recommendations are included regarding range/choice of shops, individuality of centres and the advantages of markets (23).
- Assessments of site availability for Town Centre uses and the need to expand centres are to be considered as part of Local Plan preparation, including possible allocations of edge of centre sites. This will have a particular bearing on forthcoming retail discussions in Tonbridge.

Rural Economy

- Support for rural businesses and tourism and leisure developments (28) suggesting a relaxation of sustainability criteria for certain applications in remote locations.

Sustainable Transport

- Authorities to work with neighbouring authorities and service providers (duty to co-operate) (31)

- Transport assessments retained for developments generating ‘significant amounts of movement.’ (32) also Travel Plans (36).
- Parking standards (39) - 5 criteria to consider, but message is essentially LPAs should decide what is appropriate for their areas. Another recognition of the Mary Portas review appears in para 40 where it is stated that Local Authorities should set “appropriate charges” that do not undermine the vitality of Town Centres and that “parking enforcement should be proportionate”. An odd inclusion in a planning policy document.

Communications Infrastructure

- Support for business in the form of improving broadband and telecoms through the planning system (42-6)

Housing

- Strategic Housing Land Availability Assessments and Strategic Housing Market Assessments are retained as part of evidence base (48). We are currently working on the former and will need to advance new work on the latter shortly.
- LPAs to identify and update an annual supply of deliverable sites (47) sufficient to provide **5 years supply +5% buffer** against their housing requirements. In areas of persistent under achievement a 20% buffer will be required. This is new and it is unclear what “persistent under achievement” means in reality.
- **Allowance for windfall sites in assessing future land provision is back in, but only if compelling evidence that such sites become consistently available and importantly it should exclude housing on residential gardens (48).**
- Compulsory Purchase Powers to be used to bring back into use empty properties. Planning permission should ‘normally’ be granted for Business Use to Residential where there is an identified housing need and there are no strong economic reasons for not doing so. This is a softening of the proposed Permitted Development rights for transfer of Business to residential uses (51).
- Recognition that new settlements (viz the Garden City Movement) might be the best way to deliver a significant amount of new homes (52)

- LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where they would do harm to the local area (53)
- **LPAs should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing including rural exception sites where appropriate. (54).**

Design

- Good design seen as a key aspect of sustainable development (56). Design codes retained (59). Paras 60 and 61 suggest some relaxation of prescriptive built conservation policies. 'Great' weight should be given to outstanding or innovative design (63). A hint that sustainability may trump character in para 65.
- Applicants to amend designs in collaboration with neighbours, which will be looked at favourably in the decision process (65).
- Advertisement control seems to be relaxed (67), except in areas of special control (68).

Healthy Communities

- Cultural activities were missing in the previous draft. This section seeks to redress the balance (69-78)
- New role for LPAs ensuring greater choice in school places (72). Not clear how the role for Districts in two tier areas might be changed by this. Maybe aimed at Counties and Unitary authorities now having to deal with 'school promoters.
- Local Green Space designations proposed subject to 3 criteria (near to settlement/demonstrably special to that community/relatively small in area)
- PPG17 open space audits/need assessments appear to be retained (73).

Green Belt

- **Strong protection reaffirmed along PPG2 lines (79-82) and almost all considerations remain.**

- Green Belts to be reviewed at the time Local Plan is prepared (83). Paras 84-92 set out issues to consider when designating green belt.

Climate Change and Flooding

- Relatively unchanged from PPS25. Slight relaxation of controls for renewable energy proposals (98).

Natural and Historic Environment

- Similar messages to PPS again, only in much shorter form. Exception to presumption in favour of sustainable development in regard to Birds and Habitats Directive (119).
- Contaminated land dealt with in paras 120-2. Noise in 123. Air Quality 124. Light pollution 125. All very familiar to previous policy in terms of content, but much shorter.
- Similar story on historic environment (126-141)

Plan Making

- Local Plans to be prepared for each LPA, which can be reviewed in part or as a whole. Additional development plan documents should only be prepared where clearly justified. Supplementary Planning Documents should only feature where they help applicants and not hinder. Slightly softer approach than in the draft. (153).
- Plans to be aspirational, but realistic. To set out opportunities for development and clear policies on what will and will not be allowed and where. (154)
- Early and meaningful engagement and collaboration is “essential”. (155)
- Local Plans to set out the strategic priorities for the area (156).
- Duty to cooperate set out in 157.
- Evidence base to be “proportionate” (158). A welcome if not rather unclear statement
- LPAs to have a clear understanding of business needs and work with counties and LEAs to compile an evidence base (160).

- Some new areas to factor in to Local Plans include: LPAs to work with the Ministry of Defence's Strategic Planning Team (164) on security needs in the area and public health leads on promoting well being (sports, recreation and places of worship) (171).

Viability

- Local Plans should be deliverable. Obligations and policy "burdens" should reflect this (173).
- Where practicable CIL charges should be worked up and tested alongside Local Plans (175).
- The cost of delivering necessary infrastructure should be known and understood by LPAs at the time that policies are being drafted (177) so that infrastructure requirements in policies are not undeliverable due to cost.

Duty to Cooperate

- **The Government expects LPAs to work collaboratively with other bodies to ensure that strategic priorities across boundaries are properly co-ordinated and reflected in individual plans (178-180). Expressly "to meet development requirements which cannot wholly be met with their own areas"**. This will have to be demonstrated when plans are submitted for examination (181). This is a matter that is very unclear in terms of practical working and application due to time frames of different authorities and, of course the willingness and ability to cooperate.

Public Examination

- Inspectors will test whether the plan has been prepared in accordance with the duty to cooperate, legal and procedural requirements and whether it is sound (182).

Neighbourhood Plans

- There is not much in the NPPF on neighbourhood plans (183-5) suggesting there may be further information for neighbourhood fora in due course? Para 185 makes clear that if such plans are in conformity with the strategic elements of the Local Plan, its policies will take precedence over the non-strategic policies in the Local Plan where there is a conflict.

Decision Taking – Development Control

- Fundamentally a positive and proactive approach to decision making encouraged (186);
- Pre-application engagement with local community and front loading emphasised (188-195);
- Applications to be determined in accordance with development plan unless other material considerations apply, including the NPPF (196) but LPAs should apply the presumption in favour of sustainable development (197).
- Use of Local Development Orders encouraged (199) to relax planning controls for certain areas or categories of development
- Article 4 Directions removing national permitted development rights are explicitly discouraged (200)
- Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission encouraged in communities (201)
- Criteria for applying planning conditions restated with an emphasis on making sure they are necessary (204);
- Planning obligations to recognise the need for flexibility and market conditions (205)
- No new provisions to strengthen Planning Enforcement (other than those in the Localism Act 2011). LPAs to act “proportionately” in responding to suspected breaches of planning control. Local Enforcement Plans encouraged to set out appropriate management of enforcement in local areas. (207).