

National Planning Policy Framework Briefing Note

As forecast in last week's Budget Statement, the National Planning Policy Framework (NPPF) for England has now been published by Government. A link to the full text of this important document can be found here:

www.communities.gov.uk/publications/planningandbuilding/nppf

The NPPF replaces over a thousand pages of previous planning policies with around fifty and takes effect immediately. It is intended to refocus planning policy on encouraging growth, and thus includes

a powerful presumption in favour of sustainable development [see Paragraph 14 of the NPPF document]. Government expects that this presumption should run as a "golden thread" through all plan making and decisions on planning applications henceforth.

The NPPF now replaces all its predecessors as planning policy documents. So, from today, all Planning Policy Statements/Planning Policy Guidelines (PPS/PPG) are replaced [Annex 3 of the NPPF].

However it is important to note that the NPPF does not change the statutory basis on which planning decisions are founded. So, Section 38 (6) of the Planning and Compensation Act 2004 remains in full effect. Thus if regard is to be had to the "Development Plan" for the purposes of any determination, then that decision must be made in accordance with the plan unless material considerations indicate otherwise. The plan-led system continues [paragraphs 11 and 12].

The NPPF is though a strong "material consideration" in such a determination [paragraph 13]. Government expects communities to plan positively to support local development [Paragraph 16]. It also follows that "development plans", under the current plan-led system ought to be consistent with the objectives, principles and policies now set out in the NPPF. So, local authorities are urged [at Paragraph 213] to get their plans (in the form of new style local plans) – up to speed as quickly as possible.

To achieve this, support will be given to local authorities via transitional arrangements. For 12 months, decision-takers may continue to give full weight to policies adopted since 2004, even if there is some degree of conflict with the NPPF [see paragraph 214].

If development plans still remain absent, silent, indeterminate or out of date, then the presumption in favour of sustainable development should apply [Paragraphs 14 and 197].

Substantial parts of the NPPF remain unaltered from the draft version published in July 2011 but there are some important differences.





Key details now include:

- Greater definition of what may constitute “sustainable development” [Paragraphs 6 and 7] – albeit there remains much scope for debate about what sustainability means in any particular instance.
- Local authorities being placed under a duty to cooperate on cross boundary issues. This is to ensure overarching strategic priorities are properly reflected within each Local Plan [Paragraph 178].
- Councils must continue to maintain a rolling 5 year supply of housing land, calculated against their housing requirements [Paragraph 47]. In addition a buffer of 5% (or in some cases, 20%) is required to ensure sufficient choice and competition. Windfall sites can now be allowed for in many circumstances.
- In selecting sites plans and decisions should encourage the effective use of ‘brownfield’ land, though there is no ‘brownfield first’ policy as such. Councils may set a locally appropriate target in this regard. [Paragraph 111].
- Green Belt policies remain fully effective. New building within the Green Belt thus remains inappropriate other than in certain exceptional circumstances, such as for the purposes of agriculture, outdoor sport, limited infilling in villages etc [Paragraphs 79 and 89]. However, the NPPF does pave the way for redevelopment or infilling of previously developed sites.
- Similarly a general presumption against development within England’s National Parks, the Broads and Areas of Outstanding Natural Beauty continues as well [Paragraph 116].

- In rural areas, Councils are encouraged to support economic growth [Para 28]. Authorities are also encouraged in particular to consider whether allowing some market housing would facilitate provision of significant additional affordable housing to meet local needs [Paragraph 54].
- To be deliverable, plans should have proper regard to development viability. This includes providing acceptable returns to a willing land owner and developer [Paragraph 173].
- Planning policies should avoid the long-term protection of employment land where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses should be treated on their merits [Paragraph 22].
- Policies to support the vitality and viability of town centres remain, as does the “sequential test” applied to the planning of retail and leisure uses [Paragraph 24].
- Local planning authorities should not refuse planning permission for sustainable buildings (or infrastructure) due to concerns relating to incompatibility with an existing townscape if those concerns have been mitigated by good design [Paragraph 65].
- There is also accompanying Technical Guidance to the NPPF, setting out more detail on matters of flood risk and minerals policy.

The NPPF is intending to be strongly pro-business and thus pro-development. It does not, contrary to some views, release unbridled development upon the nation. Important checks and balances will remain in place, such as the plan-led approach and continued protection of the Green Belt etc. However it is a major policy shakeup. A clear message is being sent out to all concerned that the planning system should better support the delivery of growth, jobs and homes than it has often done in the past.

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