



HOW

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KnowHOW

Essential reading for commercial property professionals who need to be in the know

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Draft National Planning Policy Framework

Introduction

The waiting is finally over as the Government has now published the greatly anticipated draft National Planning Policy Framework (NPPF) for consultation.

This KnowHOW provides a synopsis of the key sections pertinent to those involved in property and the development industry.

Presumption in favour of sustainable development

The draft NPPF highlights from the start the presumption in favour of sustainable development, which permeates throughout the draft NPPF. The presumption in favour of sustainable development is said to be at the heart of the planning system, which should be seen as a “*golden thread*” running through both plan making and decision taking. Since the publication of the suggested wording earlier this year, the exact phraseology has changed slightly, but its emphasis ultimately remains the same in that LPAs should “*grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date*”.

There is no further detail as to when it will be deemed that a plan is absent or silent, or indeed how much weight can be given to emerging plans. This remains open to interpretation.

Local Plans and Neighbourhood Plans

The draft NPPF signals a revision back to the format of Local Plans that should provide policy for preferably a 15 year period, set out strategic priorities for the area, indicate broad locations for strategic development on a key diagram and define land-use designations on a proposals map. There is also some focus on deliverability and viability. This in essence places the onus on LPAs to ensure that any obligations are not burdensome and perhaps more crucially that “*acceptable returns*” to the developer are taken into account.

Unsurprisingly however, there is no further detail on what is considered as an “*acceptable return*”, which no doubt will be up for interpretation by both local valuation officers and the developer; both of which are highly likely to have very different perspectives on the matter. If this concept remains within the final Framework, it will be interesting to see whether an “*acceptable return*” can be considered material in the determination of an application and how much weight it is given.

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The draft NPPF continues to promote the use of Neighbourhood Plans, which should be in general conformity with the strategic policies of the Local Plan. Neighbourhoods will however have the power to promote more development than is set out within these policies. The weight to be applied to a Neighbourhood Plan will be significant given that the draft NPPF states that *“when a Neighbourhood Plan is made, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.”*

The draft NPPF strengthens the powers of local communities to identify areas for Local Green Spaces through Neighbourhood Plans. This land can be in public or private ownership and will result in its protection from future development as local policy for managing development within Local Green Spaces would be consistent with policy for Green Belts.

Business and Economic Development

The NPPF states that investment in business should not be *“over-burdened”* by the combined requirements of planning policies. Policies should avoid the long-term protection of employment land and floorspace.

In line with the objectives of PPS4, plan making policies focus on establishing the *“need”* for new retail, leisure and commercial development and focusing this within existing centres. Where this cannot be achieved, sites will be allocated to meet the *“full extent”* of the identified need having regard to the sequential approach to site selection.

In determining planning applications, the draft NPPF retains the sequential and impact tests for retail and leisure proposals outside existing centres; however, these differ subtly from the tests that were previously set out in PPS4. The NPPF revision states that LPAs should *“prefer”* retail and leisure uses to be accommodated within centres *“where practical”* which appears to reduce the strength of the test.

The impact test, which previously focused on 5 separate impacts, has been reduced to 2 under the draft NPPF – impact on vitality and viability (including trading impact) and in-centre investment. This means that the *“scale”* test for in and edge of centre retail development would appear to have been removed. It would also appear that there is now no direct requirement to consider the cumulative effects of committed retail developments, as was previously the case under PPS4.

Housing

The draft NPPF identifies the Government’s key objective is to increase significantly the delivery of new homes. To do this, the draft NPPF states that this includes increasing the supply of housing and delivering a wide choice of high quality homes that people want and need.

The draft NPPF maintains that LPAs should identify a supply of specific deliverable sites to provide 5 years worth of housing against their housing requirements. This is caveated by the

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fact that the supply should include an additional allowance of a least 20% to ensure choice and competition in the market for land. In line with current planning policy, the draft NPPF states that planning permission should be granted where relevant policies are out of date, for example where an LPA cannot demonstrate an up-to-date 5 year supply of deliverable housing sites.

Much the same as PPS3 (paragraph 54) the draft NPPF provides clarity as to what is considered deliverable. However, it goes further by emphasising that to be viable, it should provide acceptable returns to a willing landowner and a willing developer based upon current values and taking account of all likely infrastructure costs.

There is an assertion to provide a choice of homes that allows for mixed tenures and thus balanced communities, however in the rural area, this must reflect local requirements.

Summary

The reduced bureaucracy of the draft NPPF compared with its predecessor (PPG's and PPS's) is welcomed, however with this comes uncertainty through a lack of clarity it seems Local Plans will be left to address. What is clear from the draft NPPF is the Government's pro-growth agenda to aid the recovery of the economy, and the fact that the NPPF is intended to be a long term strategy, both of which are welcomed.

The consultation for the draft NPPF will close on 17th October 2011, and the Government are holding workshops across the country throughout September.

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