

**Draft
'Presumption in
Favour of
Sustainable
Development'**

DLP BRIEFING NOTE 59

Prepared by
DLP Planning Ltd

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DLP Planning Ltd

Bedford
Sheffield
London
Bristol
Cardiff

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The Government has published its draft presumption in favour of sustainable development, reconfirming the content of Greg Clark's Ministerial Statement 'Planning for Growth' (23rd March 2011). The Statement, published on 15th June 2011, sets out the approach that the Government could take to introducing a presumption in favour of sustainable development in the forthcoming National Planning Policy Framework.

The full draft presumption is as follows:

***“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.*”**

Local planning authorities should:

- ***Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;***
- ***Approve development proposals that accord with statutory plans without delay; and***
- ***Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.***


All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole”.

The draft wording sets out the Government's clear expectation that we move to a system where the default answer to development is 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

It is expected that this presumption will help with the country's economic recovery by ensuring that proposals in line with Local Plans get approval without delay and will also mean:

- *Communities and councils have a strong incentive to keep their plans up-to-date, and to plan positively for sustainable development. Without an up-to-date plan, decisions will be made according to national policy;*
- *Sustainable development can get underway faster. Proposals will be approved without delay if they are in accordance with Local Plans;*
- *Developers have more certainty about what will be allowed and where. This will encourage them to bring forward more proposals and reduce the number of planning appeals;*
- *Development will not be allowed if it is clearly in conflict with the environmental and other safeguards in the National Planning Policy Framework.*

This announcement reconfirms the Government's direction of travel but it remains to be seen how it will fit in with the forthcoming National Planning Policy Framework and within the wider "localism" context. The caveat of 'sustainable development' will need to be more tightly defined in order to clearly define what the Government are hoping to achieve, otherwise the presumption will remain open to interpretation by local authorities, and the Government's intention to achieve clarity for developers may be a non-starter.



In the interim, we know from the Cala II decision that where the Government has set out a clear intention of its forthcoming policy changes, this is capable of being a material planning consideration, although the weight to be given to it in individual circumstances is down to the decision-maker. The presumption in favour of sustainable development may therefore carry some weight in development decisions and where there is no up-to-date development plan, local authorities may find it difficult to resist developments which can be shown to be 'sustainable'.

It should be noted that the publishing of this draft wording is to give an early indication of the Government's intentions, and is not a formal consultation. The presumption will sit within the new National Planning Policy Framework, which is anticipated to be published for formal consultation in July.

DLP will update you when the new National Planning Policy Framework is published for formal consultation, but if you would like to hear more about how this may affect your development aspirations, please contact a member of our team.

If you require more information or would like to discuss the issues mentioned in further detail please contact:

Bedford (Design)

3rd Floor
8 Goldington Road
Bedford
MK40 3LG
T 01234 261 266
F 01234 347 413

Bedford (Planning)

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH
T 01234 832 740
F 01234 831 266

Bristol

2A High Street
Thornbury
Bristol
BS35 2AQ
T 01454 410 380
F 01454 410 389

London

1st Floor Holborn Gate
330 High Holborn
London
WC1V 7QT
T 020 7849 6979
F 020 7203 6701

Cardiff

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ
T 029 2064 6810

Sheffield

11 Paradise Square
Sheffield
S1 2DE
T 0114 228 9190
F 0114 272 1947

BEDFORD

DLP Planning Ltd
4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

t 01234 832 740
f 01234 831 266

bedford@dlpconsultants.co.uk

DLP Design Ltd
8 Goldington Road
Bedford
MK40 3LG

t 01234 261 266
f 01234 347 413

bedford@dlp-design.co.uk

BRISTOL

DLP Planning Ltd
DLP Transportation Ltd
2A High Street
Thornbury
Bristol
BS35 2AQ

t 01454 410 380
f 01454 410 389

bristol@dlpconsultants.co.uk

CARDIFF

DLP Planning Ltd
28 Cathedral Road
Cardiff
CF11 9LJ

t 029 2064 6810

cardiff@dlpconsultants.co.uk

LONDON

1st Floor
Holborn Gate
330 Holborn Gate
London
WC1C 7QT

t 020 7849 6979
f 020 7203 6701

London@dlpconsultants.co.uk

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

t 0114 228 9190
f 0114 272 1947

sheffield@dlpconsultants.co.uk

briefing

