

**The Draft  
National  
Planning Policy  
Framework**

**DLP BRIEFING NOTE 62**

Prepared by  
**DLP Planning Ltd**

July 2011



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On 25<sup>th</sup> July 2011, the Government published for consultation its long-awaited Draft National Planning Policy Framework (NPPF) which consolidates all policy statements, circulars and guidance documents into a single document.

The Draft NPPF sets out the Government's economic, environmental and social planning policies for England. *"It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities."*

The Government is inviting comments on the content and format of the Framework from all individuals and organisations with an interest in planning including neighbourhood and community groups, LPAs, businesses of all sizes, developers, and interest groups and organisations by **17<sup>th</sup> October 2011**.

Once adopted, the NPPF will be a key document when LPAs and communities prepare local and neighbourhood plans and by all those involved in the development management process. As such, it is important to give consideration to making representations at this consultation stage which DLP Planning Ltd would be pleased to assist you with.

As expected, a central theme running through the document is a **presumption in favour of sustainable development**. Although the NPPF contains a glossary, it does not contain a definition of sustainable development; the closest it gets is the principle established by the Brundtland Commission in 1987: *"Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs."*

Taken as a whole, the policies in the Framework set out the Government's view of what constitutes sustainable development in practice and how the planning system is expected to deliver it. ***"Planning must operate to encourage growth and not act as an impediment."***

LPAs should:

- Prepare Local Plans (LPs) 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.
- Grant permission where the plan is absent, silent indeterminate or where relevant policies are out of date.

Neighbourhoods should:

- Develop plans that support the strategic development needs set out in LPs, including policies for housing and economic development.
- Plan positively to support local development, with the power to promote more development than is set out in the LP.
- Identify opportunities to use neighbourhood development orders to grant planning permission for developments that are consistent with an adopted neighbourhood plan.

The NPPF lists **10 core planning principles** that should underpin both plan-making and development management and should be taken into account by all those engaged in the planning system. These principles include:

- Planning should proactively drive and support the development that this country needs.
- Planning policies should take into account of local circumstances and market signals e.g. land prices, commercial rents and housing affordability.
- Policies and decisions should enable the reuse of existing resources (e.g. through the conversion of existing buildings) and encourage rather than restrict the use of renewable resources (e.g. by the development of renewable energy).

## PLAN-MAKING

The Framework states that each LPA should produce a LP for its area which should be aspirational but realistic. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included. A 15 year time horizon is appropriate but LPs should also take account of longer term requirements. Broad locations for strategic development should be shown on a key diagram and land use designations on a proposals map. Sites should be allocated to promote development and flexible use of land.

Any additional DPDs should only be used where clearly justified. SPDs should only be necessary where they can help to bring forward sustainable development at an accelerated rate and must not be used to add to the financial burdens on development.

Up to date LPs (i.e. those that are consistent with the NPPF) should be in place as soon as practical. Importantly, in the absence of such a plan, planning applications should be determined in accord with the NPPF including its presumption in favour of sustainable development.

To assess their **housing requirements**, LPAs are expected to continue to prepare SHMAs (Strategic Housing Market Assessments) and SHLAAs (Strategic Housing Land Availability Assessments).

In respect of **business requirements**, the Framework states that LPAs should work together with county and neighbouring authorities, with LEPs (Local Enterprise Partnerships) and the business community. The requirements for land or floorspace for economic development, including for retail and leisure development should be assessed as well as the role, function and capacity of existing town centres.

The NPPF also makes reference to infrastructure requirements, minerals requirements, defence and national security, environmental assessment, historic environment, and health and wellbeing.

The Framework contains a section on the **viability and deliverability** of development plans. It makes it clear that for a plan to be deliverable, the sites and scale of development identified should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Acceptable returns to a willing land owner and willing developer should be taken into consideration.

**CIL** charges should be worked up and tested alongside LPs. The CIL should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the new neighbourhoods where development takes place. In order to be appropriate, the cumulative impact of all existing and proposed local standards, SPDs and policies that support the development plan, in addition to nationally required standards, should not put implementation of the development plan at serious risk and should facilitate development throughout the economic cycle.

Public bodies that cross administrative boundaries have a **duty to cooperate**, particularly those that relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. Evidence of such should be demonstrated when LPs are submitted for examination.

**Neighbourhood Plans** give *“direct power to communities to plan the areas in which they live.”* Parishes and neighbourhood forums can use them to develop a shared vision for their neighbourhood; set planning policies for the development and use of land; and give planning permission through neighbourhood development orders and community right to build orders.

They must be in general conformity with the strategic policies of the LP however neighbourhoods will have the power to promote more development than is set out in the LP. Once made, the policies contained within a neighbourhood plan take precedence over existing conflicting policies in the LP for that neighbourhood.

A NP must be assessed by an independent examiner before it can go to a local referendum. To pass the examination, it must: have regard to the policies in the NPPF, be in general conformity with the strategic policies in the LP and be compatible with relevant EU obligations and human rights requirements.

## DEVELOPMENT MANAGEMENT

The primary objective of development management is to foster the delivery of sustainable development not to hinder or prevent development. LPAs should:

- Approach development management decisions positively, looking for solutions not problems so that applications can be approved wherever it is practical to do so.
- 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.

The application of the presumption in favour of sustainable development should achieve the delivery of enhanced levels of development.

The Framework encourages **pre-application engagement and front loading**. *“This assists LPAs in issuing timely decisions, helping to ensure developers do not experience unnecessary delays and costs.”*

The draft NPPF confirms that **planning conditions and obligations** can be used by LPAs to make otherwise unacceptable development acceptable. Conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects

Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. They should meet the following tests:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fair and reasonably related in scale and kind of development.

LPAs should avoid unnecessary conditions or obligations particularly when this would undermine the viability of development proposals.

## PLANNING FOR PROSPERITY

### Business and Economic Development

The Government’s objectives are to:

- Plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
- Promote the vitality and viability of town centres, and meet the needs of consumers for high quality and accessible retail services.
- Raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies.

### Transport

The objectives of transport policy are to:

- Facilitate economic growth by taking a positive approach to planning for development; and
- Support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for location and mix of development.

### Communications Infrastructure

The Government’s objective for the planning system is to facilitate the growth of new and existing telecommunications systems in order to ensure that people have a choice of providers and services, and equitable access to the latest technology.

## Minerals

The Government's objective for the planning system is to secure an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst encouraging the recycling of suitable materials to minimise the requirement for new primary extraction; and facilitate sustainable use of energy materials.

## PLANNING FOR PEOPLE

### Housing

The Government's key housing objective is to increase significantly the delivery of new homes. *"Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live."* This means:

- Increasing the supply of housing.
- Delivering a wide choice of high quality homes that people want and need.
- Widening opportunities for home ownership.
- Creating sustainable, inclusive and mixed communities including through the regeneration and renewal of areas of poor housing.

To boost the supply of housing, LPAs should:

- Use an evidence base to ensure that their LP meets the full requirements for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of housing strategy over the Plan period.
- Identify and maintain a rolling supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20% to ensure choice and competition in the market for land.
- Identify a supply of specific, developable sites or broad locations for growth for years 6-10, and, where possible, for years 11-15. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.
- Not include windfall sites in the first 10 years of supply, or in the rolling 5 year supply, unless they can provide compelling evidence of genuine local circumstances that prevent specific sites being identified. Any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- Illustrate the expected rate of housing deliver through a housing trajectory for the plan period and, for market housing, set out a housing implementation strategy describing how they will maintain delivery of a 5 year supply of housing land to meet their housing target.
- Set out their own approach to housing density to reflect local circumstances.
- Identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under CPO powers.

The presumption in favour of sustainable development means that LPs should be prepared on the basis that objectively assessed development needs should be met. Applications should be considered in accordance with the presumption. Planning permission should be granted where relevant policies are out of date e.g. where an LPA cannot demonstrate and up to date 5 year supply of deliverable housing sites.

To deliver a wide choice of quality homes and widen opportunities for home ownership, LPAs should:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- Where affordable housing is required, set policies for meeting this need on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified

and the agreed approach contributes to the objective of creating mixed and balanced communities.

In rural areas, LPAs should be responsive to local circumstances and plan housing development to reflect local requirements. In particular, LPAs should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

LPAs should avoid isolated homes in the countryside unless there are special circumstances. Four examples are listed:

- The essential need for a rural worker to live permanently at or near their place of work.
- Where development would ensure the future of buildings of special architectural or historic interest.
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- The exceptional quality or the innovative nature of the design of the dwelling.

## **Design**

The Government's objective is to promote good design that ensures attractive, usable and durable places. It reiterates advice in PPS1 by stating: *"Good design is indivisible from good planning"*.

## **Sustainable Communities**

The Government's objective is to create strong, vibrant and healthy communities by creating a good quality built environment, with accessible local services that reflect community needs and support well being.

## **Green Belt**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF reiterates the 5 purposes of Green Belt as contained within PPG2:

- To check the unrestricted sprawl of large built-up areas.
- To prevent neighbouring towns merging into one another.
- To assist in safeguarding the countryside from encroachment.
- To preserve the setting and special character of historic towns.
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

When reviewing Green Belt boundaries, LPAs should:

- Ensure consistency with the LP strategy for meeting identified requirements for sustainable development.
- Not include land which it is unnecessary to keep permanently open.
- Where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period.
- Make clear that the safeguarded land is not allocated for development at the present time.
- Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period.
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Villages within the Green Belt should be excluded from the Green Belt unless the village's open character makes an important contribution to the openness of the Green Belt and therefore it is necessary to prevent development in that village.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the

potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings is inappropriate in Green Belt. Exceptions to this are:

- Buildings for agriculture or forestry.
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building, provided the new building is not materially larger than the one it replaces.
- Limited infilling in villages and limited affordable housing for local community needs under policies set out in LPs.
- Limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. (N.B. The definition contained in the Glossary is the same as that contained within PPG3 Annex B.)

The Framework also lists other forms of development that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These are:

- Mineral extraction.
- Engineering operations.
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location.
- The re-use of buildings provided that the buildings are of permanent and substantial construction.
- Development brought forward under a Community Right to Build Order.

The NPPF points out that renewable energy projects located in the Green Belt could comprise inappropriate development but the wider environmental benefits associated with the increased production of energy from renewable sources could constitute very special circumstances.

## **PLANNING FOR PLACES**

### **Climate Change, Flooding and Coastal Change**

The Government's objective is that planning should fully support the transition to a low carbon economy in a changing climate, taking full account of flood risk and coastal change.

### **Natural Environment**

The Government's objective is that planning should help deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing.

LPAs should set criteria based policies in their development plans against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites.

LPAs should give great weight to protecting landscape and scenic beauty in National parks, the Broads and Areas of Outstanding Natural Beauty (AONBs). The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and the Broads. Planning permission should be refused for major developments in designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest.

This section of the Framework also contains paragraphs on pollution, noise and light.

## Historic Environment

The Government's objectives are to:

- Conserve heritage assets in a manner appropriate to their significance; and
- Contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost.

This section refers to heritage assets, designated heritage assets and enabling development.

If you require more information on the content of the draft NPPF or would like to our help in submitting representations to Government by **17<sup>th</sup> October 2011**, please contact:

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