

DLP BRIEFING NOTE 151

Prepared by
DLP Planning Consultants

March 2014



DLP Planning Consultants

- Bedford
- Bristol
- Cardiff
- East Midlands
- London
- Milton Keynes
- Sheffield



Disclaimer

DLP Planning Consultants, and its constituent companies disclaims any responsibility to the client and others in respect of matters outside the scope of this Report. This Report has been prepared with reasonable skill, care and diligence, is the property of DLP Consulting Group, and is confidential to the client, DLP Planning Consultants accepts no responsibility of whatsoever nature to third parties, to whom this report has been provided.

DCLG launches new National Planning Practice Guidance (NPPG) online resource

Introduction

On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the **new National Planning Practice Guidance (NPPG) resource**.

The NPPG seeks to make planning guidance easier and simpler for practitioners and the public, and is to be read in conjunction with national policy contained within the National Planning Policy Framework (the Framework). The NPPG brings together and updates the previous raft of PPG documents into one online resource.

The Guidance clarifies a number of key planning issues which will be of significance to both applicants and decision makers alike and include:

- **Green Belt**

Unmet housing need (including traveller sites) is **unlikely to constitute the “very special circumstances” required to both justify development and outweigh harm being caused to the green belt,**

Applications for significant development(s) in the green belt **will be subject to “call in”** by the Secretary of State.

- **Retail**

The NPPG makes clear that **applicants will have to undertake a sequential assessment** as part of the planning application.

There is no threshold for the application of a sequential assessment, which applies to all main town centre uses proposed outside an existing centre, and which are not in accordance with an up-to-date plan. Paragraph 25 of the Framework does however exempt small scale rural offices and other small scale rural development.

- **Employment**

The NPPG sets out a need for local planning authorities to identify the future quantities of land/ built floorspace required for economic development/uses, including both quantitative and qualitative needs for the **‘functional economic area’** (not the plan area).

The ‘functional plan area’ has no standard definition, however one can be defined by a number of factors including, inter alia, the extent of any Local Enterprise Partnership within the area, travel to work areas and the service market for consumers.

A detailed analysis of both supply and demand should allow plan makers to identify whether there exists a mismatch in provision and translate this into quantified land requirements for the functional economic area.

- **Renewable Energy**

The NPPG identifies matters that local planning authorities should have regard to in both plan-making and decision taking, including the range, costs, and impacts that different technologies may have. The NPPG also provides examples of technologies that can affect their location, for example appropriate transport links for biomass technologies or the predicted wind resource for wind turbines.

The NPPG offers support for community led renewable energy initiatives and advises that local planning authorities may wish to establish policies which give positive weight to renewable and low carbon initiatives which have clear evidence of local community involvement and leadership.

Advice is also given in respect of the suitability of applying buffer zones or separation distances between renewable energy developments and other land uses, the main consideration being the local context including factors such as topography, the local environment and nearby land uses.

The Guidance advises that when considering large scale solar farms, the local planning authority should particularly consider factors including, amongst others, the effective use of previously developed and non-agricultural land, provided that it is not of high environmental value; the potential to mitigate landscape and visual impact; and the energy generating potential.

- **Appeals**

The NPPG, following the updated 'Procedural Guide: Planning Appeal England' (October 2013), provides additional guidance on different appeal procedures and timeframes in the appeal system. Appellants in particular are encouraged to give full consideration to the grounds for an appeal, and parties who pursue an appeal unreasonably and without sound grounds may be liable for an award of costs against them. **Upon publication of the NPPG, Circular 03/09 – 'Costs Awards in Appeals and other Planning Proceedings' has now been cancelled.**

The NPPG also sets out circumstances where appeals may be recovered by the Secretary of State and also how appeal decisions may be challenged.

- **Housing: Objectively Assessed Need**

The NPPG advises that OPCS population projections are a start point for setting objectively assessed housing needs, but consideration has to be given also to the impact of any previous undersupply in housing in suppressing household formation rates.

The Objectively Assessed Need is required to consider the balance of changes to the labour force and the economic projections/aspirations of the plan. It is also required to respond to market indicators, including issues of affordability and price increases. Objectively Assessed Need should not take into account constraints or policy but, if in setting a requirement below the objectively Assessed Need or making assumptions about migration which impact on other areas, this will require the council to demonstrate through the duty to cooperate that these assumptions have acceptable implications for those other authorities which will be affected.

- **Housing: Land Availability and Supply**

The NPPG advises that sites allocated in existing development plans, or with planning permission, will generally be considered suitable for development although it may be necessary to assess whether circumstances may have changed sufficiently to alter their suitability.

A site is considered:

Suitable for development when the site has been assessed against certain factors which might impact upon the suitability of the development, either now or in the future;

Available for development, when, on the best information available, there is confidence that there are no legal or ownership problems;

Achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time.

The NPPG reconfirms that a windfall allowance may be justified in the five-year supply if a local planning authority has compelling evidence, as set out in paragraph 48 of the Framework.

For a more detailed discussion of the issues set out in this Summary Note, further information is contained within the full Briefing Note prepared by DLP Planning Consultants on the new Guidance (entitled 'DCLG launches new National Planning Practice Guidance (NPPG) online resource')

DLP Planning Consultants will continue to monitor any changes to the online resource and are able to advise upon the significance of the new Planning Practice Guidance. Should you have any queries in respect of your land interests or wish to discuss these matters further, please do not hesitate to contact any of our regional offices and a member of our experienced team will be happy to advise.

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

BEDFORD

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

Tel: 01234 832 740

Fax: 01234 831 266

bedford@dlpconsultants.co.uk

BRISTOL

1 Blenheim Court
Beaufort Office Park
Woodlands
Bradley Stoke
Bristol
BS32 4NE

Tel: 01454 410 380

Fax: 01454 410 389

bristol@dlpconsultants.co.uk

CARDIFF

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ

Tel: 029 2064 6810

Fax: 01454 410 389

cardiff@dlpconsultants.co.uk

EAST MIDLANDS

The Old Vicarage
Market Street
Castle Donington
DE74 2JB

Tel: 01332 856 971

Fax: 01332 856 973

eastmids@dlpconsultants.co.uk

LONDON

1st Floor
3 More London Riverside
London
SE1 2RE

Tel: 020 3283 4140

london@dlpconsultants.co.uk

MILTON KEYNES

Midsummer Court
314 Midsummer Boulevard
Milton Keynes
MK9 2UB

Tel: 01908 440 015

Fax: 01908 357 750

miltonkeynes@dlpconsultants.co.uk

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

Tel: 0114 228 9190

Fax: 0114 272 1947

sheffield@dlpconsultants.co.uk

Briefings

BEDFORD

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

Tel: 01234 832 740

Fax: 01234 831 266

bedford@dlpconsultants.co.uk

BRISTOL

1 Blenheim Court
Beaufort Office Park
Woodlands
Bradley Stoke
Bristol
BS32 4NE

Tel: 01454 410 380

Fax: 01454 410 389

bristol@dlpconsultants.co.uk

CARDIFF

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ

Tel: 029 2064 6810

Fax: 01454 410 389

cardiff@dlpconsultants.co.uk

EAST MIDLANDS

The Old Vicarage
Market Street
Castle Donington
DE74 2JB

Tel: 01332 856 971

Fax: 01332 856 973

eastmids@dlpconsultants.co.uk

LONDON

1st Floor
3 More London Riverside
London
SE1 2RE

Tel: 020 3283 4140

london@dlpconsultants.co.uk

MILTON KEYNES

Midsummer Court
314 Midsummer Boulevard
Milton Keynes
MK9 2UB

Tel: 01908 440 015

london@dlpconsultants.co.uk

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

Tel: 0114 228 9190

Fax: 0114 272 1947

sheffield@dlpconsultants.co.uk

A summary of matters that the DLP Consulting Group provide services for follows:

Strategic Planning Research Unit (DLP)

Objective Assessment of Housing Needs
Five Year Land Supply Assessment
Economic Impact of Housing
Economic Impact of Development Proposals
Retail Impact Analysis
Expert Witness on Housing Needs
Local Plan Examinations

DLP Planning Consultants

Planning Applications and Appeals
Public Consultation
Development Promotion
Development Plan Representations
Land Searches
Project Management
Minerals and Waste Planning
Conservation Area / Listed Building Negotiation
Enforcement
Retail Impact Analysis
Renewable Energy Planning and Delivery
Discharge of Planning Conditions

If you would like to receive a brochure providing more detail of the service provided by the DLP Consulting Group, please contact any of the offices listed on the left of this page.



www.dlpconsultants.co.uk

