

National Planning Policy Framework – A Brief Review

Compared to the draft, the final version of the National Planning Policy Framework (“NPPF”) retains its brevity while significantly strengthening and clarifying policy guidance. Before looking at the main changes it is useful to acknowledge four inbuilt limitations to the advice.

Firstly large infrastructure projects such as power stations and airports will have their own specific National Policy Statements (“NPS”) so therefore NPPF does not overrule NPS. Secondly the guidance is confined to England; Scotland and Wales have separate planning systems which are at different stages of review.

A third limitation is the deliberate lack of spatial guidance. The statement says that local plans should address the spatial implications of economic, social and environmental change but provides no steer. Little consideration is given to urban-rural relationships or the pattern of settlement and location of new development. This omission is made worse by the lack of links to other areas of related government policy such as the national infrastructure plan and the absence of effective national or regional planning. Thus there is no integrated spatial framework of national and local policies designed to promote economic growth and regeneration, provide for people’s housing needs, deliver infrastructure and conserve the environment.

Lastly the slimming down of guidance from 1,300 to 50 pages, while highly desirable, leads to forced brevity on complex subjects thus introducing inevitable ambiguities which could lead to more planning matters being determined by the courts instead of by local people as intended. In practice the Government is to examine the 6,000 pages of guidance underpinning the abolished planning policy statements to produce a document to back up the concise new NPPF.

The primacy of the development system is reaffirmed, thereby conferring on local communities and councils’ control over development. If no up to date local plan is in place then national rather than local criteria will decide planning applications since the NPPF makes clear that there is a presumption in favour of sustainable development on a site unless a valid local plan says otherwise. This places great emphasis on the need to update local plans forthwith and the transitional arrangements which give councils a year to bring adopted plans into line with NPPF and confirm that emerging policies can be given due weight. Thus immediate chaos in the planning system as a result of the changes is averted.

A major improvement is the strengthening and clarifying of the presumption in favour of sustainable development which underpins all local plans and decisions. A definition of the term leads the ministerial foreword. Purists may quibble about wording of a rather elastic concept but it should suffice. It fits well into the brief but dense policy summary represented by the NPPF and which is refreshingly jargon-free.

Added emphasis is given to the importance of developing brownfield land though it is clearly stated that greenfield land is not thereby precluded. In many local authority areas little brownfield land now remains, the commitment to getting more houses built cannot rely just on recycled urban land.

Town centre policy is significantly strengthened. The importance of the sequential test is reaffirmed, the guidance stating that councils should “require” applications for major town centre uses to be located in town centres. The draft used the word “prefer”.

Developers will be reassured by the retention of the requirement for a five-year housing land supply. The draft’s call for an additional 20% provision on top of the five-year supply has been retained but only for those local authorities with a track record of “persistent under-delivery on housing”. For other local authorities the top-up figure is 5%.

Yorkshire councils as diverse as Leeds, Harrogate and Craven could be faced with the 20% requirements. Housebuilding interests will be encouraged by the endorsement of large scale developments as sometimes being a way of boosting land supply on green fields. Now prominence is given to building new settlements and major town extensions by following garden city principles. This is all valuable advice if the under-provision of needed housing is to be tackled at last.

Another sensible addition is the specific recognition of the “intrinsic character and beauty of the countryside” which has done much to remove ambiguity and allay the concerns of countryside groups. There was never any intention of a massive overrunning of the countryside by development. Now the new wording makes this clear.

Other positive changes include the addition of wildlife sites to the list of specially protected areas such as national parks and a new emphasis on environmental enhancement and restoration including the historic fabric.

The need for careful attention to viability to ensure that development plans are deliverable over the economic cycle is duly emphasised in the NPPF. A realistic assessment of economic feasibility is needed for authorities to plan positively. Plan allocations and policy requirements must be grounded in a genuine understanding of viability.

Central to the purpose of the planning system is ensuring that the public interest is given adequate weight in decision-making, not just the interests of owners, businesses and neighbours. Much of the criticism levelled at the draft planning framework was disproportionate and based on misunderstanding. Despite the outcry against the original draft framework that the planning system was being dislocated, there is remarkable continuity of planning principle, policies and precedent 1948 – 2012.