



The National Planning Policy Framework: What does it mean for you?

About the Framework

The Government has published the [National Planning Policy Framework \(NPPF\)](#). It replaces most of the previously existing national planning policy guidance (see Annex 3 to NPPF).

The NPPF is effective immediately. Applications for planning permission must still, by law, be determined in accordance with the development plan unless material considerations indicate otherwise. But NPPF policies are now material considerations to be taken into account in both decision taking and plan making.

Full weight can be given for 12 months from 27th March 2012 to policies adopted since 2004 even if there is "a limited degree of conflict" with the NPPF. In other cases (and in a year's time for post 2004 policies) the weight to be accorded to a local or London plan policy must accord with the degree to which that policy is consistent with the NPPF.

Policies in emerging plans will also be material considerations in planning decisions. The more closely the policy accords with the NPPF the greater the weight to be accorded to it.

What the NPPF aims to do

The Framework aims to simplify planning policy with a view to promoting economic and housing growth, making Local Authorities more accountable for their own plan making and decision taking and ensuring that decisions are made on the basis that there is a presumption in favour of sustainable development. The Framework attempts to reduce and clarify more than 1,000 pages of complex and often inconsistent policy to 47 pages of more easily-understood text.

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The meaning of “Sustainable Development”

In his foreword to the Framework, Planning Minister Greg Clark sets out the challenges that form the context for the new system: “Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us.”

He explains: “Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations” and states that the purpose of planning is to help achieve sustainable growth.

Reference is made to two sources of clarification as to the meaning of the term **sustainable development**:

- UN Resolution 24/187 "meeting the needs of the present without compromising the ability of future generations to meet their needs"; and
- the 5 guiding principles of "Securing the Future" the UK Sustainable Development Strategy:
 - living within the planet's environmental limits
 - ensuring a strong healthy and just society
 - achieving a sustainable economy
 - promoting good governance
 - using sound science responsibly

There are three dimensions to sustainable development which means the planning system has a number of roles:

- **Economic** – contributing to building a strong responsive and competitive economy. Ensuring that sufficient land of the right type is available in the right place at the right time. Co-ordinating development and infrastructure requirements.
- **Social** – supporting strong vibrant healthy communities by providing the housing required to meet the needs of present and future generations. Creating high quality built environment with accessible local services.
- **Environmental** – protecting and enhancing the natural built and historic environment and moving to a low carbon economy.

The three roles should not be undertaken in isolation. They are interdependent. Gains in all three areas should be sought jointly and simultaneously through the planning system.



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The presumption in favour of Sustainable Development

At the heart of the NPPF is the presumption in favour of sustainable development. This is to be seen as "a golden thread" running through both decision taking and plan making.

Taking into account the aim of delivering sustainable development, each local planning authority will be required to produce a shorter and clearer Local Plan that is 'aspirational but realistic'. This new Local Plan will need to be based on up-to-date evidence about the area's economic, social and environmental characteristics and prospects, covering areas including housing, business and infrastructure. Only policies which provide a clear indication of how a decision maker should react to a proposal should be included in the Plan.

Importantly, the NPPF states that local authorities should "look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development wherever possible".

Significant weight is to be placed on the need to support economic growth through the planning system. Development is only to be prevented or refused on transport grounds where the residual cumulative impacts of development are "severe".

There is strong guidance on what authorities are required to do "to boost significantly the supply of housing" including a requirement to use objective evidence to identify and regularly update a list of specific deliverable sites to provide a five year housing land supply with a buffer of 5% (that buffer is to be 20% in areas with a persistent record of under delivery). A deliverable site is one which is available now and viable, in a suitable location for development and has a realistic prospect of having housing on site within five years. Relevant policies in the local plan will not be considered up to date - even if they are post 2004 - if the local authority cannot demonstrate a five year supply of deliverable housing land.

Affordable housing (social or affordable rented housing or intermediate housing including shared ownership, equity loan, low cost homes for sale and intermediate rent) is defined as being that provided to eligible households whose needs are not met by the market with eligibility determined by reference to local incomes and house prices. Such housing should remain affordable for future eligible households or the subsidy should be recycled for alternative affordable housing provision.

Protection is given to the built, natural and historic environment because the existing statutory protections are not altered by the NPPF. The NPPF gives guidance on the processes to be followed by authorities in relation to applications which affect such assets and the weight to be accorded to conserving or enhancing them relative to the wider public interest and situations in which planning permission which adversely affects them should be refused.

The relationship between development management and plan-making should be made seamless, with local planning authorities taking steps to encourage early, pre-application engagement that improves the efficiency and effectiveness of the planning application system for all parties.



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What the NPPF means for different stakeholders

Key messages

In assessing the implications of the Framework for you and your organisation, we believe there are four overarching messages to bear in mind.

1. The presumption in favour of sustainable development will be pivotal to the new system and will be accorded strong prioritisation and weight in plan making and decision taking.
2. The NPPF is effective now and you need to adapt your thinking and processes to working in this context immediately.
3. Engagement with local people and organisations is essential for both authorities and developers to ensure that they have buy in to both plans and applications so that the system works in a positive and timely manner.
4. The NPPF is a policy. It does not change the legal position, which is that decisions must be made in accordance with the development plan unless material considerations indicate otherwise (although the NPPF policies are weighty material considerations now). Nor does it take away the special statutory protections afforded to e.g. the Green Belt, Listed Buildings, designated Heritage Coast or World Heritage Sites etc.

Implications for developers

- Under the planning system envisaged in the Framework, it will be vital that developers get involved in plan making at all stages – especially at the start of the process, as part of the community and stakeholder engagement. Coming in at a later stage to submit a planning application simply will not work in many cases.
- The Framework's strong advice about early community engagement sends an unequivocal message.
- It is equally important to take account of the presumption in favour of sustainable development. When submitting an application, developers must ensure that their development has good sustainability credentials. It will be dangerous to presume that the new system is pro-development without the sustainability element.
- In their community engagement, developers should give local people and communities choices wherever possible and should take care to explain what can and cannot be done in relation to a given site or scheme.
- Developers have learnt to explain their schemes better in terms of sustainability and they must continue to do this, because poorly designed development that does not take account of the Framework sustainability objectives will not benefit from the presumption in favour.
- Developers should also analyse and explain clearly the direct and indirect economic benefits of housing growth in terms of jobs during construction and operation, effects on local and other suppliers and the economic contribution of their company and industry. Housebuilders in particular have not explained this clearly or with sufficient confidence in the past. However, it will be important to do so going forward as the Framework tells local authorities that they are to "attach significant weight to the benefits of economic growth" in determining planning applications.



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Implications for local authorities

- As highlighted above, local authorities are told to put “significant weight...on the need to support economic growth through the planning system” and to apply the presumption in favour of sustainable development in determining planning applications”. These requirements fundamentally change the planning landscape.
- The new plans will require careful drafting, as they need to be shorter, clearer and provide more certainty than before as to the authority's position. Not having a new plan consistent with the framework will risk the application of the presumption in favour of sustainable development having to be applied at local level or being applied by the Secretary of State on appeal.
- The requirement for plans to be shorter is reinforced by the fact that it is not expected that there will be additional plan documents without clear justification. Supplementary Planning Documents should be used where they can help applicants make successful applications and not to add unnecessary financial burdens to development.
- The idea of local planning authorities being required to make their plans simpler, clearer and more certain resonates strongly with the message Ministers have been giving to local planning authorities for months: that they are accountable for what happens in their area and will no longer be allowed to refuse permissions by hiding behind central government or cherry-picking from a complex and inconsistent web of national, regional and local policy.
- Many local authorities will need to review their human and financial resourcing to ensure that their officers, as well as politicians, have the skills and mindset needed to approach their tasks in a way that reflects the strong policy guidance around the presumption in favour of sustainable development and the objective of development management being to foster sustainable development, not to prevent or hinder it.
- Authorities will also need to have an evidence base that supports both policy making and decision taking. Plans must be based on "adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area". This evidence-gathering and analysis will require substantial resource and will need to support policies along a 15-year timeline.
- Authorities will need to publish a list of their information requirements to provide clarity to applicants in advance of making applications. Also requirements must be proportionate to the scale and nature of development and the supporting information required should be “relevant, necessary and material to the application in question”. All of this requires forethought and care on the part of authorities and is something they should begin working on now, if it is not already in place.
- Where practicable authorities should bring forward their proposals for the Community Infrastructure Levy (CIL) so that they are "worked up and tested alongside the local plan". The CIL should support and incentivise new development. Importantly the Framework says that this should be done by “placing control of a meaningful proportion of funds raised in neighbourhoods where development takes place”.



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Implications for countryside protection lobby groups

- The special importance attached to Green Belts is reiterated. Inappropriate development there is said to be by definition harmful and should not be approved save in very special circumstances. In relation to renewable energy projects, for example, such circumstances could include the wider environmental benefits associated with energy production from such sources. Applicants will need to prepare careful justification of any proposals and we would recommend early engagement with local people.
- There is strong recognition of, and support for, the need for economic growth and the provision of affordable housing in rural areas.
- Great weight is to be given to conserving landscape and scenic beauty in the National Parks, the Broads and Areas of Outstanding Natural Beauty. Planning permission will usually be refused for planning permission for major developments in such areas unless they can be demonstrated to be in the public interest.
- The presumption in favour of sustainable development is not to be applied where the development requiring appropriate assessment under the EU Birds or Habitats Directive is being considered, planned, or determined.
- Local communities can give special protection to green areas which are of particular importance to them through local or neighbourhood plans designating Local Green Space. Development on such spaces will be ruled out except in very special circumstances. But this will not be appropriate for most green areas or open space. It should only be used for space which is reasonably close to the area it serves, is demonstrably special to the local community and holds particular significance and is not an extensive tract of land. Communities wishing to protect valued spaces will need to engage in the plan making process and to present a reasoned justification for the designation.

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