



Campaign to Protect Rural England South East

CPRE South East eBulletin

The National Planning Policy Framework



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Editorial: A Capital Campaign

It was the campaign that put the campaign in the CAMPAIGN to Protect Rural England in capitals. It was the campaign showed the world that the National Trust is not just a keeper of all that is quaint in England, but also a determined defender of what matters to our nation. It was the campaign that fired up an unprecedented collective of campaign groups, MPs, celebrities, newspapers (thanks Daily Telegraph!), and above all ordinary folk in defence of ordinary countryside. It was a campaign that was won twice over.

The first victory lies in the content on the National Planning Policy Framework itself. As planning document it is vastly improved on the bleak, destructive consultation document that was issued as MPs slipped off for a long summer break last year. No one should be in the slightest shadow of a doubt that the future of our rural landscape, environment and communities will be immeasurably strengthened as a consequence of the biggest campaign in planning history.

This is the second victory - making the dry as dust world of planning policy such a talking point that it not only gained banner headlines in the national press (left), it trended on Twitter (below).



Greg Clark’s address to the Commons trends on Twitter

United Kingdom trends · Change

- #RoyalMail
- #FavouriteDrakeLine
- #NPPF
- Greg Clark
- Liam Stacey
- Hilary Benn
- World Whisky Day
- Happy Birthday Coco Grande
- Hop Farm

The NPPF would have been so much more destructive of the environment, countryside and quality of life without the biggest campaign in planning history. We have won the battle to get a national planning framework that in principle treasures our matchless countryside. We have got the definition of sustainability we wanted. We have a brownfield policy, and strong words on protection of green belts.

But these polices are not gold-plated. The economic, social and environmental dimensions of sustainability must be considered together, but not necessarily balanced. It is the economy that gets “significant weight”. Councils will struggle to implement a brownfield first policy because the NPPF only “encourages” and does not prioritise its use. Green belts will come under greater pressure to shift outward to accommodate garden suburbs. The vital principle of countryside protection is not matched by detailed policy elsewhere in the NPPF. When the dust has settled, and when the planning inspectors and lawyers have had their day, we may well find that we have rather weaker policies than we at first thought.

As our euphoria ebbs away, it is time to get down to work. There is housing to be built - the housing we need where it is most needed, not where it will generate the most profit. There are local plans to be completed and neighbourhood plans to be started from scratch. Gaps and flaws in the NPPF that need to be plugged and ameliorated at a local level. Fossil remnants of discredited regional policies must be weeded out of existing core strategies while we have a chance. It is time to shift the campaign gear from the content of the NPPF to its implementation.

Andy Boddington

NPPF: Some of the Issues

(P#) refers to paragraph numbers in the NPPF.

1. Sustainable development defined

One of the main demands of campaigners was for a robust definition of sustainability. That has now been achieved and the government has readopted the widely respected definition in UK Sustainable Development Strategy 2005. The NPPF directs “to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (P8). There is no requirement that economic, social and environmental gains should be balanced, though net gains should be sought across all three and “significant adverse impacts on any of these dimensions should be avoided” (P152).

Reading the NPPF as a whole, the economy is still the most powerful pillar of sustainability. The framework insists that “significant weight” must be given to supporting economic growth (P19) - this is the only use of the phrase “significant weight” in the framework (see “The Trump Cards of the NPPF” below). While the NPPF as a whole can be read to suggest that economic growth cannot be supported at the expense of sustainability, the weight given to the different pillars of sustainability is set to remain one of the main areas of contention in planning decisions and appeals.

The Trump Cards of the NPPF

The NPPF gives the following weights to policies:

Significant weight: economic growth. It trumps:

Substantial weight: harm to green belt, which trumps:

Great weight: innovative design; schools; landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty; conservation of wildlife and cultural heritage in National Parks and the Broads (NB: not AONBs); designated heritage assets; benefits of the mineral extraction, including to the economy. These trump:

Appropriate weight: protected wildlife or geodiversity sites or landscape areas.

2. The default answer is sometimes “yes”

The blunt insistence in the draft NPPF that decision-takers should assume that the default answer to development proposals is “yes” has been dropped. Greg Clark told the Commons: “The default answer was a variation of a presumption that everyone agreed was not terribly helpful, and we have deleted it from the document” (<http://bit.ly/H057aL>). The phrase the “default answer is yes” has indeed been dropped. But the presumption remains that where a plan or policy is absent, silent or out of date, planning permission must still be given unless the development conflicts with the policies of a designated landscape, such as an SSSI (P14).

It seems that open countryside remains fair game where plans are out of date or silent. We should also expect a rush of opportunist planning applications where site allocation assessments and documents are absent.

3. The principle of countryside protection

To the anger of campaigners, the draft NPPF discarded critical protection for the countryside, a protection that dated back to Town and Country Planning Act of 1947.

This protection has now been incorporated into the NPPF as one of the twelve core principles for planning (P17). Planners must:

“take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”

This welcome principle is undermined to some extent by a paucity of any targeted policies to protect it in the rest of the NPPF. “Conservation and enhancement of the natural and historic environment, including landscape” is a strategic priority for local plan making (P156), but there are no references to giving “intrinsic character and beauty” or ordinary countryside any weight in planning decisions.

4. Garden city green belts

Picking up a theme in David Cameron’s speech on infrastructure on 19 March, the NPPF declares that “supply of new homes can sometimes be best achieved through planning new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.” A policy on garden city principles is set to be issued for consultation in the autumn. The NPPF offers a carrot to prevent garden cities and suburbs being undermined by sprawl: “They should consider whether it is appropriate to establish Green Belt around or adjoining any such new development” (P52). Later the document says: “New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions” (P82).

This is one of the most powerful pro-growth policies in the NPPF - accept a major garden style development and get a green belt in return. The wording will further encourage cities like Oxford to push the green belt southwards to accommodate a long dreamed of urban extension. It will also offer the prospect of protecting new towns, or garden cities, from the ungainly sprawl that is destroying the character of Milton Keynes.

5. Brownfield not quite first

The NPPF scraps national targets for housing development on previously developed land (brownfield). The draft NPPF largely ignored brownfield, but a new planning principle in the final draft urges planners to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.” The policy is detailed later in the document:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land” (P111).

This is a great improvement on the draft NPPF, but it the wording still falls short of a brownfield first policy. The sequential test under the PPS3 brownfield first policy required that previously used land is developed before greenfield. Councils could still opt to include a sequential test in their revised local plans, but we might expect some to argue that they are constrained from doing as they are only required to encourage not prioritise brownfield use.

6. Punishing housing land supply

The draft NPPF merely exhorted councils to “boost the supply of housing”. The final NPPF requires them to “boost significantly the supply of housing” (P47). Available land supply for housing must be five years for good local authorities, plus 5%. But those naughty authorities that have ‘failed to deliver’ housing are punished by a requirement of five years plus 20%. Planning inspectors and lawyers are going to have a busy time sorting that one out. The adequacy of council’s five year supply has been a major factor in many appeal decisions, some of which have imposed unacceptable greenfield development. This can only get worse with this complex new arrangement.

7. Garden grabbing to return?

A few years ago many councils found building on back gardens - “garden grabbing” - difficult to block because they were classified as brownfield. That classification was removed in June 2010. The NPPF remains clear that gardens are not brownfield but the lack of a brownfield first policy threatens a return to garden grabbing. For this reason, the NPPF tells planning authorities they “should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area” (P53).

Meanwhile, garden grabbing may well reoccur where local plans are absent, silent or out of date on the matter under the presumption in favour of sustainable development.

8. Rural exception sites

The final NPPF confirms the continuation of the existing rural exception site model. It also suggests that market housing on exception sites could pay for affordable housing development (P54). Exception sites are nearly always controversial. The government is urging councils to follow the Cornwall Council model where market housing is allowed on greenfield exception sites to fund affordable rural housing. Such a move can only increase controversy. Another ‘exception’ policy is retained. The so called [Gummer’s Law](#) allows new country houses to be built in the countryside provided their design is of outstanding quality (P55).

9. Town centres and parking tickets

The town centre first policy has been strengthened following the Portas Review (<http://bit.ly/mportas>). Councils are instructed to “recognise town centres as the heart of their communities and pursue policies to support their viability and vitality” (P23). Markets must be retained, enhanced and, if necessary reintroduced. Council must act to positively for the economic future of town centres in decline. The sequential test and impact tests are retained, discouraging main town centre uses from being moved to sites around the edge of the town (P24-25).

In a direct response to the Portas Review, local authorities are told to “set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate” (P40). Does this mean that local plans will detail when traffic wardens can slap a ticket on your car? Ministers seem to have forgotten this is a planning policy!

10. Breather on the ‘Silence of the Plans’

One of the greatest concerns about the draft NPPF was that it did not make arrangements for transition from existing planning regime. CPRE data from last October suggested that 61 planning authorities would not have completed their core strategies by April 2013 (<http://bit.ly/Hrnab2>). In the final NPPF text, a twelve month breathing space has been introduced.

The NPPF came into force at the moment of publication and is now a material consideration in planning decisions and must be taken into account in plan preparation (P212). Existing local plans (core strategies) are not made out-of-date by publication of the NPPF, even where they may conflict with it. There will also be a twelve month transition period from the day of publication to allow plans to be completed, or reviewed and updated to conform with the NPPF (P211-4).

11. Gypsies and travellers

The communities department published its planning policy on gypsies and travellers just before lunch last Sunday. National and regional targets for pitches are abolished as expected. Traveller sites are barred from the green belt. Otherwise the policy is quite accommodating to travellers and insists that they have decent sites, not, for example, rammed against the edge of a motorway.

It is anomalous that Right to Build schemes are “appropriate development” in the green belt, but travellers sites constitute “inappropriate development”. No one will be surprised if this leads to legal challenges to the policy.

The NPPF: Some of the Details

Introduction

Paragraphs 1-5.

Main points. The NPPF is now a material consideration in planning terms. It does not apply to nationally significant infrastructure projects. The NPPF should be read in conjunction with the separate gypsies and travellers policy. The schools policy issued with fanfare last August (<http://bit.ly/GO5Nii>) is not mentioned and is thereby defunct. Waste policies are devolved to the National Waste Management Plan for England.

Achieving Sustainable Development

Sustainable development

Paragraphs 6-10.

Main points. The purpose of planning is to contribute to sustainable development. Sustainability is now defined.

Planning purpose. The “purpose of the planning system is to contribute to the achievement of sustainable development.” The NPPF taken as a whole “constitutes the Government’s view of what sustainable development in England means in practice for the planning system” (P6). In theory, if a development fails to adhere to, say, the design and heritage policies, then it is not in the view of the NPPF sustainable. But expect the NPPF’s ace card - the “significant weight” that must be given to the economy - to trump the “great weight” given to other elements of sustainability.

Sustainability. The NPPF has adopted the definition sustainable development in UK Sustainable Development Strategy 2005, one of CPRE's demands. Planning aims "to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system" (P8).

Sustainable development "involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life". This includes making it easier for jobs to be created; moving from a net loss of bio-diversity to achieving net gains for nature; replacing poor design with better design; improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes (P9).

Economy. The draft NPPF declared that planning has: "an economic role use the planning system to build a strong, responsive and competitive economy". The final NPPF says planning has: "an economic role - contributing to building a strong, responsive and competitive economy" (P7). A controversial sentence that claimed that there is no necessary contradiction between increased levels of development and protecting and enhancing the environment has been dropped.

The presumption in favour of sustainable development

Paragraphs 11-16.

Main points. The presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. If a development is sustainable and in line with the local plan, it should be approved without delay. If local plans are absent, silent or out of date, developments must be approved, unless they are on otherwise protected land.

Primacy of the local plan. Applications must be determined in accordance with the local development plan (P11), which must "follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay" (P15). "Development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise" (P12).

The default answer is a qualified 'yes'. The NPPF has dropped its blunt insistence that decision-takers at every level should assume that the default answer to development proposals is "yes". But the final NPPF still repeats the mantra that planning permission "must be granted" in cases where "a plan is absent, silent or relevant policies are out-of-date", unless the "adverse impacts of doing so would significantly and demonstrably outweigh the benefits" (P14). The NPPF now makes it explicitly clear that the presumption in favour of sustainable development cannot override designations and policies that otherwise restrict development. As examples of these restrictions, the NPPF cites sites protected under the Birds and Habitats Directives, SSSIs, Green Belt, Local Green Space, AONBs, Heritage Coast, National Parks, the Broads Authority, designated heritage assets, and locations at risk of flooding or coastal erosion. It does not cite local landscape and wildlife designations, or unprotected countryside reasons for not saying "yes".

Core principles

Paragraph 17.

Main points. The twelve core principles for planning have been modified from the draft and overall give a greater emphasis on wellbeing, design, heritage, brownfield and the environment (P17). They are in brief:

1. Plan-led. Planning must "be genuinely plan-led [and] be based on joint working and cooperation to address larger than local issues."

2. Creativity. A new principle says planning should "not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives."

3. Economic development. Planning should "proactively drive and support sustainable economic development."

4. Design and amenity. Planners should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings." The reference to design is new.

5. Roles and character. Plans should "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it."

6. Climate and renewables. Planning is directed to "support the transition to a low carbon future in a changing climate."

7. Environment. Plans must "contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework."

8. Brownfield. A new principle urges planners to "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value."

9. Multiple uses. Plans should "promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas."

10. Heritage. Planners must "conserve heritage assets in a manner appropriate to their significance."

11. Transport. Planning should "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

12. Wellbeing and community. The draft NPPF said planners should "take account of and support local strategies to improve health, social and cultural wellbeing for all." To this has been added "and deliver sufficient community and cultural facilities and services to meet local needs."

Delivering sustainable development

1. Building a strong, competitive economy

Paragraphs 18-22.

Main points. The NPPF is, as George Osborne said in the Budget, “unashamedly pro-growth”. The section on economic growth has been brought forward towards the beginning of the document. The framework still exhorts that “planning should operate to encourage and not act as an impediment to sustainable growth” but the final text drops the statement: “there is an urgent need to restructure the economy.”

Growth. The government is committed to securing growth and “to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system” (P19).

Proactive planning. Local planning authorities should plan proactively to “meet the development needs of business and support an economy fit for the 21st century” (P20). Planning policies should “seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing” (P21).

Site protection. Land allocations should regularly be reviewed, and if there is “no reasonable prospect of a site being used for the allocated employment use”, alternative uses should be found (P22).

2. Ensuring the vitality of town centres

Paragraphs 23-27.

Main points. The town centre first policy has been strengthened following the Portas Review (<http://bit.ly/mportas>). The draft NPPF implied that offices were not covered by the policy: the town centre first now applies to all major town centre uses.

Town centres. Councils must “recognise town centres as the heart of their communities and pursue policies to support their viability and vitality” (P23). Three new town centre policies have been added to the final text. Planners should:

- ◆ promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres
- ◆ retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive
- ◆ where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

Sequential test. The sequential test remains with clearer wording than in the draft. It applies to main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan, but not to “small scale rural offices or other small scale rural development” (P24-25). Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, it should be refused.

3. Supporting a prosperous rural economy

Paragraph 28.

Main points. The policy has four elements: growth of business and enterprise; development and diversification of agricultural and land businesses; tourism; and community services.

Enterprise. Plans should “support the sustainable growth and expansion of all types of business and enterprise in rural areas”. An addition to the text says that this can be achieved: “both through conversion of existing buildings and well designed new buildings”, opening up the prospect of increased conversion of agricultural buildings.

Agriculture. Local plans must “promote the development and diversification of agricultural and other land-based rural businesses”.

Tourism. Plans should “support sustainable rural tourism and leisure developments.”

Services. In a new requirement, plans should “promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”

4. Promoting sustainable transport

Paragraphs 29-41.

Main points. Developments should be planned to minimise travel and maximise sustainable travel. The NPPF recognises that transport solutions in rural and urban areas will be different.

Modes. The transport system needs to give people a real choice about how they travel. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Smarter use of technologies can reduce the need to travel (P29-30).

Infrastructure. Neighbouring and transport authorities should cooperate on major infrastructure projects.

Developments that generate significant amounts of movement should be located in places where the need to travel is minimised; where it is possible to give priority to pedestrian and cycle movements; and have access to high quality public transport facilities. Planning policies should aim for a balance of land uses within their area and mixed use developments. Development should only be prevented or refused on transport grounds where the transport system cannot be improved cost effectively (P32, 34-38).

Parking. In response to the Portas Review a new policy on town centre parking has been adopted. “Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate” (P40).

5. Supporting communications infrastructure

Paragraphs 42-46.

Main points. As in the draft, planning authorities are instructed “not seek to prevent competition between different operators.” The NPPF now also says they must not “question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure” (P46).

6. Delivering a wide choice of high quality homes

Paragraphs 47-55.

Main points. The draft NPPF merely exhorted councils to “boost the supply of housing”. The final NPPF requires them to “boost significantly the supply of housing” (P47). National targets for affordable housing provision and brownfield use are scrapped. Exception sites are retained.

Assessment. Councils must ensure the “local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period” (P47). The phrase “as far as consistent” is set to be a battleground between those arguing that the NPPF’s sustainability and environmental policies block environmentally damaging housing projects, and those that argue that an overriding aim of the NPPF is to significantly boost housing supply.

Land supply. As before, local authorities must identify “sites sufficient to provide five years worth of housing against their housing requirements [and] identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.” But councils must now also identify a “buffer” supply. Councils with a good record of house building, and which have identified a five year supply of housing sites, only need to identify “an additional buffer of 5% (moved forward from later in the plan period)” (P47). The aim is to “to ensure choice and competition in the market for land”, with the inevitable consequences that choice and competition will lead to building houses on greenfield before brownfield. Councils with a “record of persistent under delivery of housing” are punished. For these councils the buffer is increased to 20% to provide a “realistic prospect of achieving the planned supply.”

Windfalls allowed. In a major change, local authorities can make allowance for windfall sites in their five-year supply “if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.” Windfalls must not include residential gardens (P48).

The presumption. The wording on applying the presumption has been simplified. “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (P49). Note the reference to five-year supply, not five years plus 5% or 20%. The adequacy of the five year supply has been a consistent factor in appeal decisions and we can expect the lawyers to have a greenfield day over the new rules.

Choice of quality homes. The objectives have been broadened to “create sustainable, inclusive and mixed communities”, as well as offering a wide choice and opportunities for home ownership. The main target groups for housing mix have been widened to include service families and people wishing to build their own homes (P50).

Empty homes. “Local planning authorities should 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 compulsory purchase powers” (P51).

Change of use. Councils should approve planning applications for change from commercial to residential use where there is an identified need for additional housing, provided that there are not strong economic reasons against (P51).

Garden City principles. Following David Cameron’s speech before the Budget, the NPPF declares that “supply of new homes can sometimes be best achieved through planning new settlements or extensions to existing villages and towns that follow the principles of Garden Cities”. Exhorting local councils to consider garden developments, the NPPF offers a carrot to limit sprawl: “They should consider whether it is appropriate to establish green belt around or adjoining any such new development” (P52).

Gardens. “Garden grabbing” was largely eliminated by a change to PPS3 in 2010. The NPPF opens up the possibility it could reoccur as a result of the presumption in favour of sustainable development and the absence of a brownfield first policy. Apparently recognising this, the NPPF tells planning authorities they “should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area” (P53).

Affordable rural housing. The final NPPF confirms the continuation of the existing rural exception site model: “local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.” The policy proposes that market housing on exception sites could pay for affordable housing development (P54).

Rural sustainability. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (P55).

“Gummer’s Law”. The NPPF retains the so called **Gummer’s Law** which allows new country houses to be built in the countryside provided that their design is of outstanding quality (P55).

7. Requiring good design

Paragraphs 56-68.

Main points. The instruction that local and neighbourhood plans should address design has been strengthened. Plans must now also: “establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit” (P58). While planning policies should “not attempt to impose architectural styles or particular tastes”, they can “seek to promote or reinforce local distinctiveness” (P60). Permission can still be refused for development of poor design (P64).

Design codes. Planning authorities should consider using design codes but these should avoid unnecessary prescription or detail (P59).

Innovation. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area (P63).

Outdoor advertisements. “Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment” (P67).

8. Promoting healthy communities

Paragraphs 69-78.

Main points. Recreation, sport and culture are now explicitly mentioned in the policy. The Community Right to Build and Local Green Space designation are confirmed. The draft NPPF required developers of large scale development “in less sustainable locations” to improve the sustainability of the site; this has been dropped.

Sports and culture. Councils must plan positively for the for the provision and use of sports venues and cultural buildings, as well as local shops, meeting places, public houses and places of worship (P70, P73-74).

Community Right to Build. “Local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted” (P71).

Schools. The schools policy is considerably watered down from the draft NPPF and the August 2011 schools planning statement (<http://bit.ly/GO5Nii>). Councils must still “give great weight to the need to create, expand or alter schools” (P77).

Rights of Way. The policy has been strengthened. Public rights of way and access must be protected and enhanced and: “local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails” (P75).

Local Green Space. There have been some important modifications to the new LGS designation. The draft NPPF insisted the LGS must be “reasonably close proximity to a centre of population or urban area”, implying that dispersed or small communities would be excluded. The final NPPF says the LGS must be in “reasonably close proximity to the community it serves” (P77). A restriction in the draft NPPF that LGS could not be designated in green belts has been deleted.

9. Protecting green belt land

Paragraphs 79-92.

Main points. The overall protection for green belts remains intact: “the essential characteristics of Green Belts are their openness and their permanence.” However the NPPF nibbles away at the edges of the policy, and as always with our green belts the edges matter. Community Right to Build schemes, transport infrastructure, renewable energy developments and a wider range of brownfield sites all get a look in. New green belts could also be established in reward for new towns or major urban extensions.

Purposes. The NPPF confirms that the purposes of the beginning are to check urban sprawl; to prevent towns merging; to safeguard the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Planning authorities should plan positively to enhance the beneficial use of the green belt - improving access, opportunities for outdoor sport and recreation, landscapes, visual amenity and biodiversity (P80-81).

New green belts. The NPPF repeats PPG2 policies that new green belts should only be created when other policies will not suffice. In new text, the framework makes an offer of new green belts in return for urban extensions. “New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions” (P82; see also garden cities on page 6).

Brownfield. PPG2 permitted development on previously-developed Green Belt land where the site is identified in the local plan as a major developed site. This policy is extended to all brownfield sites in the green belt in the NPPF (P89).

Transport infrastructure. Park and Ride schemes are already permitted in the green belt and the NPPF proposes to extend this to a wider range of “local transport infrastructure which can demonstrate a requirement for a Green Belt location”. The phrasing of the draft NPPF: “such as opening new routes, providing bus shelters and small public transport depots” has been dropped (P89). Mineral extraction and engineering operations remain permitted.

Redevelopment. The alteration or replacement of dwellings was previously permitted and this is now extended to include all buildings in the green belt. There is clarification that replacement buildings must be in the same use as the existing building (P89).

Renewables. The wording opens the door for renewable energy policy to over-ride green belt protection. “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.” The caution in PPS22 that “careful consideration will... need to be given to the visual impact of projects” has been dropped.

Community forests. The NPPF encourages these in the green belt with the aim of “upgrading the landscape and providing for recreation and wildlife.” They “should be subject to the normal policies controlling development in green belts” (P92).

10. Meeting the challenge of climate change, flooding and coastal change

Paragraphs 93-108.

Main points. This section has been redrafted to ensure that local authorities take “full account of flood risk, coastal change and water supply and demand considerations” (P94). Planning authorities will no longer be required to set decentralised energy targets in local plans. They will be required to “identify suitable areas for renewable and low-carbon energy sources, and supporting infrastructure” and to support community led initiatives. The same criteria for identifying those suitable areas must also now be applied to individual planning applications for renewables outside those areas.

Climate change. “Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape” (P99).

Energy efficiency. Local authorities must plan for new development in locations and ways which reduce greenhouse gas emissions, and adopt the national zero carbon buildings policy. They are now also required to actively support energy efficiency improvements to existing buildings (P95).

Renewable energy. “Local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources [and] consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources” (P97). Planning authorities are instructed to “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions” (P98).

Flooding. After complaints from the National Flood Forum and others, this section has been substantially strengthened. “Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies” (P100). Councils must “steer new development to areas with the lowest probability of flooding... a sequential approach should be used in areas known to be at risk from any form of flooding” (P101). The communities department has published technical guidance on flood policy alongside the NPPF (<http://bit.ly/nppftech>).

Coastal policy must ensure “integration of the terrestrial and marine planning regimes” (P105). Local authorities should “reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast” (P106).

11. Conserving and enhancing the natural environment

Paragraphs 109-125.

Main points. This is another area that has been considerably strengthened, including with the reinstatement of a brownfield policy.

Objectives of planning. These have been expanded to include “protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services.” The biodiversity objective should also now contribute “to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. In line with the increased commitment to brownfield, another new purpose is to “remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land” (P109).

Brownfield. The brownfield policy, reinstated after omission from the draft NPPF, still lacks a sequential test. “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land” (P111).

Agricultural land. The final NPPF has increased protection for the best farming land by dropping the insistence in the draft that it could be sacrificed for the local growth strategy (P112).

Protected landscapes. Local planning authorities should set criteria based policies against which to assess applications for wildlife or geodiversity sites or landscape areas. The final NPPF says local authorities should ensure that “protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks” (P113).

Nature Improvement Areas have been added, and councils must “consider specifying the types of development that may be appropriate in these Areas.”

SSSIs. A new paragraph has been added to clarify protections. “Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs” (P118).

Habitats directives. The text and been clarified and strengthened to make it clear that the “presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined” (P119).

Risks from pollution and land instability. A new paragraph strengthens this policy to ensure that development is suitable for the location. “The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account” (P120).

Noise pollution. A change means that noisy businesses that wish to expand will not be hindered by housing that has been built nearby since the business was established on the site (P123).

Tranquillity. The NPPF has welcome words on tranquillity and light pollution. Local authorities should “identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason” (P123). “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation” (P124).

12. Conserving & enhancing the historic environment

Paragraphs 126-141.

Main points. The draft NPPF was acknowledged as particularly weak on heritage. This has been partly addressed.

Presumption of conservation. The major change to the previous policy is that the NPPF does not contain an express presumption in favour of the conservation of designated heritage assets (PPS5 HE9.1). Instead, heritage principle to “conserve heritage assets in a manner appropriate to their significance” must be balanced against the other eleven core planning principles (page 4) when applying the presumption in favour of sustainable development. As a result heritage is in a weaker position than it was under PPS5.

Planning applications. In a new paragraph, the NPPF requires that in determining planning applications local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (P131).

Setting. The setting on heritage assets is now clearly protected. “Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting” (P132).

Substantial harm. Recent wind farm decisions have focused attention on the definition of “less than substantial harm” (24dash: <http://bit.ly/Hdrsm8>). Neither the NPPF of its predecessor for heritage, PPS5, define “substantial”. In a new paragraph, the final NPPF increases concern about how “less than substantial harm” is defined: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use” (P134).

13. Facilitating sustainable use of minerals

Paragraphs 142-149.

Main points. A building boom requires minerals and aggregates and the NPPF text is 50% longer than in the draft. Reinstatement bonds are frowned upon. Fracking is given a boost. Technical guidance has been published on the proximity of mineral workings to communities, emissions and noise (<http://bit.ly/nppftech>).

Sources. The new policy urges best use: “Since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation” (P142). There is clearer text on identifying resources: “identify and include policies for extraction of mineral resource of local and national importance in their area” (P143). New sites for peat extraction banned (P143). New text instructs councils to prioritise recycled materials and waste, and to source minerals supplies in the UK (P146).

Specialist quarries. Local authorities should: “recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites” (P144).

Reinstatement. Councils are steered away from insisting on bonds for post-extraction obligations: “Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances” (P144). There will be obvious concern that this will lead to many mineral and aggregate sites not being reinstated.

Aggregates. A new section instructs councils to prepare “an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities” (P145).

Fracking. This controversial gas extraction technique has been given a boost by the NPPF: “When planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production” (P147).



i paper front page on Budget Day

Plan-making and Decision-taking

Local plans. Each local planning authority should produce a 15-year Local Plan for its area and review it as required. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. “Local Plans 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 in the plan”. Supplementary planning documents are permitted where useful to applicants (P150-177).

Bigger than local. Public bodies have a duty to diligently cooperate on planning issues that cross administrative boundaries, especially on strategic priorities (P178).

Strategic priorities. The framework sets out five strategic priorities for local plans (P156):

- ◆ the homes and jobs needed
- ◆ the provision of retail, leisure and other commercial development
- ◆ the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- ◆ the provision of health, security, community and cultural infrastructure and other local facilities
- ◆ climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

Sustainability. “Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided” (P152). The NPPF gives a hierarchy of actions for adverse impacts:

- ◆ alternatives that reduce or eliminate impacts
- ◆ mitigation measures
- ◆ compensatory measures.

Natural and historic environment. Planning policies and decisions should be based on up-to-date information about the natural environment, historic environment and other characteristics of the area. This should include an assessment of existing and potential components of ecological networks, and the likelihood that currently unidentified heritage assets will be discovered (P165, P169). “Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity” (P170).

Pre-application. Councils should encourage but cannot require that developers engage with them before submitting a planning application (P189).

Transition for up to date plans. Existing local plans (core strategies) are not made out-of-date by publication of the NPPF. Policies and local plans adopted since 2004 remain in force until 27 March 2013, “even if there is a limited degree of conflict with this Framework” (P214). Councils are urged to quickly revise their plans and policies to take account of the NPPF, either through a partial review or by preparing a new plan (P213).

Transition for out of date plans. Local authorities whose plans pre-date 2004 have until 27 March 2013 to get a new local plan in place, after which only those policies which are consistent with the NPPF will apply (P215). “The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given” to them. CPRE data collected last September suggests that sixty one planning authorities are not due to complete their core strategies (now local plans) by April 2013 (<http://bit.ly/Hrnab2>).

Emerging plans. Planning decisions must take into account policies in emerging plans (P216).

Gypsies and Travellers Policy

Lunch launch. The communities department published its planning policy on gypsies and travellers just before Sunday lunch (Policy: <http://bit.ly/GNYFpp>; Impact Assessment: <http://bit.ly/HcGgME>; 24dash: <http://bit.ly/GQPljl>; Telegraph: <http://tgr.ph/GQggUN>). The policy has come into force with the NPPF and is expected to be incorporated into Framework later.

Main points. Traveller sites are barred from the green belt. National and regional targets for pitches are abolished.

Site allocation. The established Gypsy and Traveller Accommodation Needs Assessment has been axed in favour of a local approach to assessment, which must involve “early and effective community engagement with both settled and traveller communities.” Local authorities must identify a five year supply of sites, and sites for 10 years, preferably 15 years ahead. Councils should give priority to “previously developed (brownfield), untidy or derelict land”. If necessary they should use rural exception sites. Where a five year supply is not demonstrated, councils are urged to grant temporary planning permission.

Site character. Sites must be: “well planned or soft landscaped... not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.” Councils must not provide sites that impact on the health and wellbeing of travellers, such as through loud noise and poor air quality and must “promote peaceful and integrated co-existence between the site and the local community.” “In rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”

Green belts. “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”.

About the CPRE South East eBulletin

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