



Report of	Meeting	Date
Joint LDF Officer Team	Central Lancashire LDF Joint Advisory Committee	1 September 2011

DRAFT NATIONAL PLANNING POLICY FRAMEWORK: CONSULTATION

PURPOSE OF REPORT

1. To set out the key matters put forward in the draft National Planning Policy Framework (NPPF), the implications that these may have for the Central Lancashire authorities, and the possible grounds for making representations.

RECOMMENDATION(S)

2. That the report be noted and Members make their views known.

EXECUTIVE SUMMARY OF REPORT

3. The NPPF will replace a wide range of currently separate government planning policy documents as a single succinct volume. The proposed changes policy are either evident in revised approaches in the NPPF or are deduced from omissions from it. Some of the revisions stem from the Localism Bill which is still going through its Parliamentary approval stages and is therefore itself still subject to possible change. The NPPF also relates to local development plan preparation and content (see separate reports on this meeting's agenda).
4. The draft NPPF adopts a pro-economic growth/increased housing delivery approach and is generally more permissive towards development than existing national policies. Clearly it is important to achieve an appropriate balance and essential environmental and social safeguards are not lost either through new policy approaches or arise through the condensing of existing policy.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To make Members aware of this important document and provide Officers with the basis of responses to the draft document.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None

BACKGROUND

7. The draft National Planning Policy Framework (NPPF) was published by the Government for consultation on 25 July 2011. The closing date for the submission of responses is 17 October 2011.
8. The draft NPPF sets out the Government's economic, environmental and social planning policies for England. 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. The draft framework is significant as precludes a fully integrated approach to national planning policy presentation, with a 'pro-growth' emphasis. It is intended to streamline the national planning policies set out in existing planning policy guidance notes, planning policy statements, minerals policy statements and minerals policy guidance notes, plus a number of related circulars, into a single document.
9. This report examines the key matters put forward in the draft document which, if adopted, will result in a substantially reduced package of guidance. The report makes comment on the likely implications for spatial planning in Central Lancashire.

KEY PLANNING POLICY MATTERS IN THE DRAFT NPPF

Presumption in favour of sustainable development

10. The draft NPPF sets up a presumption in favour of sustainable development "which should be seen as a golden thread running through both plan making and decision taking." It will require councils to grant permission for sustainable development that is otherwise acceptable in accordance with the NPPF where a "local plan is absent, silent, indeterminate or where relevant policies are out of date". The draft NPPF makes clear that the default decision on developments taken by councils should therefore be "yes" - as long as that development complies with this national planning policy.
11. Existing plans that are seen to be out of keeping with the planning system's new duty to proactively encourage economic growth are unlikely to achieve the certificate of conformity with national policy that they will need if they are to retain any weight in the planning process.
12. **Observation:** many local plans are out of date because councils have been holding back on updating them until they know more about the Government's planning reforms. The presumption in favour of development is likely to lead to an increase in appeals because developers will be confident of overturning a refusal where a local plan is out of date. The intent of the Government's approach places an extra impetus on all councils currently in the process of preparing and adopting up to date development plans.

Previously Developed Land (brownfield) targets

13. The draft NPPF confirms the Government's intention to abolish targets for housing development on brownfield land. The current national policy states that 60% of homes should be built on previously-developed land. In Central Lancashire, the target proposed in the Core Strategy is 'at least 70%' in conformity with the Regional Spatial Strategy (RSS).
14. **Observation:** the Central Lancashire Core Strategy is written in line with RSS, which directs developers to re-use brownfield sites where they are viable. In proposing to remove the target, the draft NPPF sets aside the evidence contained in its accompanying Impact Assessment which recognises that there are strong environmental grounds for seeking to re-use previously developed land for the provision of new housing. The main beneficiary of the policy change will be developers who, on appeal, will not have to argue whether there are

alternative brownfield sites available. Until the Core Strategy and Site Allocations DPDs are adopted the Councils could have less influence over directing development to where they believe it will be more beneficial.

Plan-making rules

15. The draft NPPF envisages that Councils will produce a single local plan, rather than a plan made up of various development plan documents (see separate report on this meeting's agenda on the draft local planning regulations). It also cautions about the envisaged role of "Supplementary Planning Documents (SPDs) by saying these "should only be necessary where their production can help to bring forward sustainable development at an accelerated rate."
16. **Observation:** No details are provided in the draft NPPF (or draft regulations) on the way in which the suite of Local Development Framework (LDF) documents will evolve into a single local plan, or what will be the precise future role of SPDs might be.

Planning strategically across local boundaries

17. In line with the Localism Bill public bodies will have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities designed to deliver:
 - Housing and economic development requirements
 - The provision of retail leisure and other commercial development
 - The provision of infrastructure for transport, minerals, waste, energy, telecoms and water supply and quality
 - The provision of health, security, community infrastructure and other local facilities
 - Climate change mitigation and adaptation, protection and enhancement of the natural and historic environment, including landscape, and where relevant coastal management.
18. **Observation:** the Government considers that the duty to co-operate is now strong enough to force neighbouring local authorities to make judgements about where "unpopular" development should be located, including the provision of sub-regional infrastructure; their must be some doubt about whether this will be the case. However with the demise of regional bodies, the County Council may have a role to play here.

Neighbourhood Plans

19. Neighbourhood plans are a proposed new tier of local policy in the Localism Bill. Neighbourhood plans would give communities direct powers to plan the areas in which they live. Parishes and neighbourhood forums are envisaged to use neighbourhood plans to:
 - Develop a shared vision for their neighbourhood
 - Set planning policies for the development and use of land; and
 - Grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders
20. In practice local planning authorities will have a role in helping to develop these plans. However, once adopted after independent examination and a local referendum, neighbourhood plans would take precedence over existing policies in the local plan, where they conflict, but overall must conform to the strategic content of local plans as well as the

NPPF. Neighbourhood plans will be able to promote more development than is set out in the local plan.

21. **Observation:** preparing a neighbourhood plan will be a significant challenge for a parish council/neighbourhood forum; it is unlikely that many such bodies will have the capability and resources to carry out the work.

Office development and the 'Town Centre First' policy

22. The draft NPPF would remove office uses from the existing sequential approach that favours town centre schemes over more peripheral ones. An impact assessment, published by the DCLG alongside the draft NPPF, says that the move would give developers a "wider choice over where they can seek planning permission for new office space." The draft NPPF makes clear that the sequential test would still apply to retail and leisure uses.
23. **Observation:** this could signal more out-of-town business parks on greenfield sites which will not help town and city centre regeneration initiatives, such as the new Central Business District proposal in Preston. However small-scale office schemes had been caught in the town centre first policy: many small business start-up firms are unable to afford to pay town centre rents.

Car park provision for non-residential development

- 24 Existing planning guidance on transport sets a maximum limit on acceptable car parking provision on major schemes. The draft NPPF proposes removing those standards on the grounds that councils are best placed to decide their own levels of provision, and all parking standards will in future be set locally.
25. **Observation:** national standards have prevented competition between councils. The policy change could lead to more car use through more parking arising from increased supply. Research shows that after the cost of fuel the availability of trip end work parking is the single biggest influence of commuting mode of choice. Local authorities that have less demanding car parking standards may attract more development. On the other hand the freedom to allow more car parking would enable a more locally responsive approach to individual circumstances and so help avoid the problems of car parking demand from new developments spilling on to neighbouring areas.

Employment land and premises: change of use

26. It is proposed that planning policies should "avoid the long-term protection of employment land or floorspace" and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.
27. **Observation:** this aspect of the draft guidance is designed to improve the flexible operation of the development market. However, the drafting is very brief, and it is unclear what scope there will be to pursue the Core Strategy policy on protecting employment premises and sites, which sets out criteria to be met before consent will be granted for their redevelopment or change of use.

Housing supply targets

28. The document says that the Government's key housing objective is to "increase significantly the delivery of new homes". Councils must currently identify and allocate five years' worth of land for housing. The draft NPPF would require them to boost this by a further 20 per cent "to ensure choice and competition in the market for land."
29. **Observation:** the draft NPPF builds on aspects of the ministerial statement "Planning for Growth" which seeks to increase the supply of land for housing. The proposal could run counter to the Councils' aspirations to set local housing requirements and manage development although it is not clear if requirement figures are expected to be inflated by 20% or whether that much more land would be required at any one time to satisfy the 5 year land supply.

Affordable housing: site size thresholds

30. Current national planning policy universally applies a minimum site size threshold of 15 units for requiring affordable housing to be delivered by market housing developments. This means that any development of 15 units or more will trigger a negotiation over a contribution (paid by the developer) for affordable housing via a section 106 agreement. By removing the centrally set 15-unit threshold for affordable housing, the draft NPPF proposes that complete control will be given to local councils.
31. **Observation:** whilst the flexibility of local control is beneficial, the need to balance development aspirations with the provision of affordable homes will require careful consideration. The Core Strategy contains a policy on this topic (this aspect of which was not challenged at the examination), backed up by local evidence, including housing viability assessments.

Rural exception sites

32. Current policy allows local councils to set 'rural exception site' policies which allocate and permit sites solely for affordable housing for local people in small rural communities. This is where housing would not normally be considered appropriate due for example to policy constraints, such as in the Green Belt. The Government's objective is to maintain the focus on affordable housing but give local councils greater flexibility to set out their own approach to delivering housing, including allowing for an element of market housing in villages where this would facilitate significant additional affordable housing to meet local requirements.
33. **Observation:** as with the affordable housing proposals, the key is to balance development aspirations with appropriate and longstanding policies of restraint. Again, the submission Core Strategy contains a policy on this topic, based on local evidence of need and viability, which supports rural exception sites being used 100% for affordable housing. It is not clear if this approach would be ruled out by the NPPF.

Green Belt

34. The draft NPPF indicates that core Green Belt protection will remain in place, including the test to preserve the openness and purposes of including land in the Green Belt. Four changes to the detail of current policy are proposed in the draft NPPF:
 - (i) Development on previously-developed Green Belt land is already permissible if the site is identified in the local plan as a major developed site – it is proposed to extend this policy to similar sites not already identified in a local plan.

- (ii) Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure.
- (iii) Community Right to Build schemes will be permissible if backed by the local community.
- (iv) The alteration or replacement of dwellings is already permissible – it is proposed to extend this to include all buildings.

35. **Observation:** if these changes are approved, they could have a significant impact on the ability of councils to control in and direct some types of development away from the Green Belt.

Green infrastructure

36. The objective of the draft NPPF is to secure more and greater coherence of strategic networks of green infrastructure by planning positively for their creation, protection, enhancement and management. This will help support the natural environment, as well as providing green space for the use of local communities, supporting sustainable development and preserving green space for the use of future generations. The preferred option would encourage councils to take a more strategic approach to green infrastructure and give them a better understanding of the existing green infrastructure network and its functions in their area. This should contribute to better decisions being made about the protection and management of green infrastructure.

37. **Observation:** these changes are welcome and consistent with the Councils' approach in the submission Core Strategy.

Landscape

38. There are several examples where the standard of landscape protection included in existing policy guidance is not carried forward into the draft NPPF. These include:

- (i) The principle of 'no net loss' to landscape significances when considering development proposals.
- (ii) The need to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole (currently in PPS1).
- (iii) The need to protect the countryside for the sake of its intrinsic character and beauty, and the diversity of its landscapes (currently in PPS7).

39. In contrast, the NPPF contains a policy statement requiring the planning system to protect 'valued landscapes' without defining them (except for designated landscapes and Local Green Spaces, as set out below).

40. **Observation:** The draft NPPF is imprecise in its commitment to protect landscape qualities, which have previously benefitted from a much clearer set of national policy principles. The strength of existing policy protection only remains for designated landscapes, which in Central Lancashire would only apply to the small area of the Forest of Bowland AONB in the north east of Preston.

Green Space designation

41. The draft NPPF proposes to introduce a new protection for locally important green space that is not currently protected by any national designation, giving greater discretion and decision-making powers to local councils and local communities reflecting the fact that some land is particularly valued by communities and requires additional protection. The new protection through a new designation would fill the gap where land was important locally – for example for local amenity – but where a national designation would not apply.

42. **Observation:** this change is welcome and will give weight to the emerging allocations of local green space in the Site Allocations DPDs.

Opportunities for renewable and low carbon energy

43. The objective is to ensure that the planning system contributes effectively to the delivery of the Government's energy and climate change policy. The preferred option expects local authorities to consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. Where developers bring forward proposals outside opportunity areas mapped in a local or neighbourhood plan they are asked to demonstrate that the proposed location meets the criteria used in plan making. This should provide transparency, and bring greater predictability to the planning application process.
44. **Observation:** the submission Core Strategy does not identify suitable areas for renewable and low-carbon energy in Central Lancashire, although a study undertaken on behalf of all Lancashire authorities has recently mapped the potential for capturing such energy (SQW: Lancashire Renewable Energy Capacity Studies: July 2011). National energy policies and targets will also bear on the consideration to identify areas suitable for renewable and low carbon energy in Central Lancashire.

PLANNING POLICY MATTERS WHERE THE DRAFT NPPF PROPOSES NO CHANGE

45. Although the draft NPPF proposes a significant change in approach to several key areas of planning policy, there are also several policy matters where no change or very minor changes are proposed. In most instances, the policies are made more concise, but the intention remains the same. Key aspects of this approach include:
- The draft NPPF does not alter existing legislation and will therefore retain a plan led planning system.
 - Local plans should continue to be based on an up-to-date evidence base about the economic, social and environmental characteristics and prospects of an area.
 - Development should continue to be sited in highly accessible and sustainable locations.
 - The sequential and exception tests will continue to apply when assessing the scope for development in areas of known flood risk.
46. The following policy areas remain broadly unchanged:
- The emphasis on providing mixed, sustainable communities.
 - The need for 'on-site' provision of affordable housing.
 - The protection of sports and recreational buildings and land.
 - The need to conserve and enhance biodiversity.
 - The conservation of heritage assets in a manner appropriate to their significance.

RELATIONSHIP BETWEEN THE DRAFT NPPF AND THE CORE STRATEGY

47. On 4 August 2011, the Planning Inspectorate issued advice to its Inspectors on the draft NPPF and its consultation. It says that whilst the draft "is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case."

48. The advice note goes on to say: "The key test for an Inspector considering the potential relevance of the Government's **emerging** single National Planning Policy Framework will be to identify whether the case turns on any of the matters raised by the consultation document, and if it does what action to take in the interests of fairness to the parties. Inspectors are accordingly advised to consider on a case by case basis whether the draft NPPF is a material consideration of some weight, its relevance to the issues and whether in the interests of natural justice, the matter is referred to the parties before determination."
49. **Observation:** the Planning Inspectorate guidance clarifies the nature of the draft NPPF as a potential material consideration of some weight. It explains why the Inspector at the adjourned Core Strategy examination has invited all parties, including the Councils, to comment on the relevance of the draft NPPF to the wording of the Core Strategy. The wording of the draft NPPF may also be taken into account by the Planning Inspectorate in dealing with section 78 planning appeals.
50. The main area where some additional clarification is required concerns the way in which the NPPF could affect the adoption of the Core Strategy. For example:
- (i) What will be the impact of the proposed removal of the brownfield land target on the Core Strategy wording, or of the removal of the minimum threshold for affordable housing delivery?
 - (ii) What will happen to the draft Supplementary Planning Documents currently in preparation if the councils cannot demonstrate that they will contribute to accelerated growth rates?
 - (iii) What will be the policy response where the NPPF and the development plan is silent on a particular matter: the NPPF because it has removed the detail previously in the PPG/PPSs, and the development plan because it is incomplete and/or unadopted?
51. These and other uncertainties indicate the need for transitional arrangements, so that the Councils can continue to progress all LDF documents to adoption (including the need to obtain a certificate of conformity to national policy), which will restore 'plan-led' development management and reduce the number of key proposals that are decided at appeal.

NEXT STEPS: CONSULTATION RESPONSES

52. The Government's consultation invites views on the content and format of the new framework, to be received by Monday 17 October 2011. This report sets out the broad issues that are relevant to the Central Lancashire authorities. It will be important for the three councils to respond consistently on those matters that affect all three authorities, but to reflect in individual authority responses purely local issues.

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Background Papers			
Document	Date	File	Place of Inspection
Draft National Planning Policy Framework DCLG	July		Lancastria House, Preston Civic Offices, Leyland Union Street Offices, Chorley County Hall, Preston