

National Planning Policy Framework
Report by Planning Policy Officer

Summary: The publication of the National Planning Policy Framework is an important change in the style and content of national planning policy, and replaces all previous Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), and likely to affect planning in the Broads in a variety of ways.

Recommendation: That the contents of the report be noted.

1 Introduction

- 1.1 The Government published the National Planning Policy Framework (NPPF) on 26 March 2012. The NPPF is around 50 pages long, and is intended to provide a definitive and succinct statement of most national planning policy. It came into immediate effect, and replaces an extensive array of previous national planning policy, including all Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).
- 1.2 The NPPF will have major significance for the Authority's development plans and development management over a period of time. It will be a material planning consideration in determining planning and related applications, and in the formulation of plans and policies.
- 1.3 The content of the NPPF is very different from the draft NPPF published last year. Most of the major concerns raised about the draft have been addressed to a greater or lesser degree, and in particular the final document contains a clearer and broader definition of sustainable development, and provision of a short transition period in which current development plan policies can generally continue to be used. In fact, unlike the draft, the changes from the approach of the NPPF from previous national planning policy are, on the whole, generally rather modest. There are, however, a number of individual changes which are likely to be significant, but the impact of these is difficult to gauge, and will take some time to emerge.
- 1.4 The NPPF has been promoted as replacing thousands of pages of national planning policy with just 50. In fact it is a little more complex than that, as the NPPF will be supported by other national policy, and a range of 'technical' guidance. These include a very recent policy on traveller sites; various policies on nationally significant infrastructure of different types; new technical guidance on development and flood risk; etc. Numerous old government circulars and other documents remain in force (there is a programme

underway to review, and replace or abandon these). Such policy and guidance, additional to the NPPF, is likely to proliferate over time.

- 1.5 The brevity and generalised nature of the NPPF itself has given rise to concerns by many that it will be too vague to provide certainty. On the other hand, it does also offer the potential to mount a range of arguments based on the general planning principles outlined in the document and for a focus on the planning judgements that have to be made,

2 Sustainable Development and Other Headline Issues 2.1

- 2.1 One of the key concerns about the draft NPPF was its strong presumption in favour of 'sustainable development' without a clear and generally agreed definition of what 'sustainable development' meant.
- 2.2 The NPPF lacks a succinct definition of sustainable development. In fact it states that two hundred and one specified paragraphs have to be taken together to constitute the Government's view of what sustainable development is. However, it does make it clear that sustainable development has three 'dimensions', social, economic and environmental, and that 'economic, social and environmental gains should be sought jointly and simultaneously through the planning system'.
- 2.3 The NPPF is rather more ambiguous about how to deal with situations where this ideal state of affairs cannot be achieved, and the document avoids ever defining anything as 'unsustainable'. There is a policy presumption in favour of 'sustainable development', but there is not an explicit presumption against unsustainable.
- 2.4 More generally the approach to the wording of NPPF policy is to state that sustainable and other 'good' aspects development should be encouraged or facilitated, but not to state that these are required, or that development lacking these aspects or qualities should be refused. (For instance, use of brownfield land should be encouraged, but no explicit basis is given to refuse or give lower priority to greenfield development.)
- 2.5 Perhaps more clearly identifying the focus of the Government's aim is Policy 9, which states:

"Pursuing sustainable development involves. . . .
 - *making it easier for jobs to be created in cities, towns and villages;*
 - *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."*
- 2.6 It will have to be seen how this approach works out in practice over time, but at this stage it is considered that the stated 'dimensions' of sustainable

development, and the various elaborations of these, will probably generally give the Authority the tools to refuse harmful development and more certainly to promote good results on the range of planning issues it usually has to deal with. This is likely, however, to lead to a period of some uncertainty as the significance of various elements of the new wording is tested and elaborated in planning appeals (and possibly the courts).

3 Issues for the Broads

3.1 Nationally Protected Landscapes

3.1.1 The NPPF emphasises the protection and enhancement of the family of nationally protected landscapes, stating that:

‘Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important in all these areas and should be given great weight in the National Parks and the Broads’. (Policy 115)

This restates more succinctly the previous policy in PPS7. Some in the protected landscapes world are concerned about the use in the NPPF of the term ‘scenic beauty’ in place of the previous term ‘natural beauty’ (the latter familiar from the statutory purposes), but your officers do not see this as problematic.

3.1.2 The presumption against major development in these designated areas that preceded the NPPF is restated almost word for word from the earlier policy in PPG 7.

3.1.3 The English National Parks Authority Association campaigned for six particular elements to be incorporated into the NPPF:

1. **Highest Level of Protection for national parks and the Broads.**
Included (see above). The continued explicit statement of this is most welcome, and arguably the most important single element of the NPPF from a Broads perspective.
2. **A clear statement that ‘sustainable development’ in national parks is development which is compatible with national park purposes.** This has not been included, although the NPPF does reference the *English National Parks and the Broads: UK Government Vision and Circular 2010* as providing further information on national park purposes, etc. It may be possible to put something more explicit into a future Broads development plan, but this is unlikely to occur in the near future.

3. **Housing focus in national parks should be explicitly on needs rather than demand, NPAs should not have to prove a 5 year housing supply, and exceptions approach should be promoted in protected areas.** Not included (though exceptions approach supported for rural areas generally). This presents problems and risks for the Broads, for reasons outlined later in this report.
4. **Major development test explicitly to refer to minerals development.** Not included, because government view that this is not necessary as minerals major development is in any case major development. This is considered unlikely to affect the Broads.
5. **Recognition that development beyond the boundary of a national park can impact on national park purposes.** Not included. While instances of this can be argued on the basis of the 'highest status of protection' statement in Policy 115, the absence of explicit recognition of this issue will mean that it will often fall to the Broads Authority to highlight instances of potential impacts from outside (again a challenge complicated by the Localism Act's removal of strategic planning structures), and argue the link via Policy 115 in each case.
6. **Recognition that a high quality environment, particularly in national parks, helps underpin economic prosperity in rural areas.** This has been achieved insofar as Policy 109 states that one of the ways the planning system can "enhance the natural and local environment" is through "recognising the wider benefits of ecosystem services". However, despite this being addressed in the NPPF, the use of the relatively obscure and broad technical term 'ecosystem services', and that this is expressed in relation to conserving the natural environment, rather than in relation to promoting economic well-being, etc., means that it will continue to fall to the Broads Authority (and others) to make the argument.

3.2 Economic Development

- 3.2.1 Securing economic growth is central to the Government's approach to planning and explicitly highlighted in the NPPF. There is a strong emphasis on removing planning 'obstacles' and ensuring market signals and viability are addressed in planning, but also recognition of the value of positive planning and the role of development plans in this.
- 3.2.2 One issue is the statement, in Policy 28, that 'plans should. . . support the growth and expansion of all types of business and enterprise in rural areas' [*emphasis added*]. This could be interpreted in a way that might make it difficult to protect boatyards and other business premises important to the Broads from displacement by higher value business/enterprise uses.
- 3.2.3 That Policy 28 also gives strong encouragement to promoting the retention and development and development of local services (including shops and pubs) in villages is welcome. However, it will be up to the Broads Authority to

make a case for the protection of these and other important services outside villages based upon more general policies.

3.3 Housing

- 3.3.1 One of the Government's key aims emphasised in the NPPF is a significant boost to the housing supply. The protected landscape and flood risk constraints mean that the Broads' contribution to this is likely to be rather limited. None the less, there are two aspects, in particular, likely to impact upon the Broads. The first of these is that the NPPF suggests a more permissive approach to what might be termed 'marginal' housing proposals: the benefits of provision of additional housing will still have to be considered in the light of other factors, but given significantly more weight.
- 3.3.2 Secondly, the plan making process in relation to housing is significantly changed in a way that will be challenging for the Broads Authority. It will now be up to each local planning authority to make an evidence based assessment of housing need in its area and roles within housing market areas, and to demonstrate enough housing land immediately available to meet over five years supply.
- 3.3.3 Upon the planned revocation of the East of England Plan (the regional spatial strategy), the Authority will no longer be able to rely on the absence of an identified strategic housing target to resist general housing development in the area. Furthermore, the combination of the unstructured 'duty to cooperate' in place of a strategic planning system (whether regional, county or otherwise), and the Broads geographical spread across normal local government boundaries, who may each be using different methods and assumptions, is likely to be much more challenging than the previous arrangements. In the absence of a NPPF compliant development plan approach to housing, the Authority could find it very difficult to directly resist unplanned housing development in principle although in many instances flood risk and/or landscape/environment issues would weigh heavily against such development). This issue merits more detailed review.

3.4 Flood Risk

- 3.4.1 The flood risk policy of the NPPF closely follows that of the now replaced PPS25, but summarised in a few paragraphs. The policy is backed up by technical guidance (essentially drawn from PPS25 and its associate documentation). The Authority will need to monitor this aspect in order to identify whether the abbreviation of national flood risk policy has any implications for the way that the particular flood risk issues in the Broads are addressed.

3.5 Design

- 3.5.1 The NPPF places great emphasis on good design. Encouragement of this has long been a feature of successive national policies, but the NPPF gives

this a perhaps greater emphasis than ever before. It is notably the only policy area in the NPPF expressed as a requirement.

3.6 Existing Development Plan Policy

- 3.6.1 The NPPF takes immediate effect, and contains provisions guiding the weight to be given to existing development plan policies. In essence these reduce the weight that can be given to development plan policies (despite the legal status of development plans as the starting point for determining applications).
- 3.6.2 For a transitional period of a year Development Plan Document (DPD) policies (in the Broads Case Core Strategy and Development Management Policies), but not those of local plans or regional spatial strategies, can potentially outweigh NPPF policies where there is limited conflict. Thereafter the NPPF would prevail except over development plan policies adopted after (and prepared under) the NPPF. (This may well be tested in court,)
- 3.6.3 A detailed review of the compliance and future value of all current policy is being undertaken, which could result in the need to update or supplement some elements of the Authority's development plans.

4 Other Matters of Interest

- Explicitly includes water bodies such as **rivers and lakes** in the definition of open space, for their recreational and visual amenity value.
- Excluding small scale **rural office development** from 'town centre first' policy requirements for offices more generally.
- Removal of national **brownfield target** for housing development.
- Encouragement for local planning authorities to map areas for commercial scale renewable and **low carbon energy development** opportunity, and then to apply these criteria to other applications.
- Requirement on local planning authorities to take strategic approach in Local Plans to creation, protection, enhancement and management of **networks of biodiversity and green infrastructure**.
- Recognition of designation within Local Plans of locally designated sites of importance for **wildlife, geodiversity or landscape character**.
- Clarification of which **wildlife sites** should have same protection as European sites.
- Encourages **sustainable travel**, and patterns of development which support that, 'where reasonable', recognising the opportunities for doing so will vary from urban to rural areas.
- Makes local planning authorities responsible for **assessing and delivering the housing** needed in their housing market area
- Require local planning authorities to allocate and update annually a 5 year **supply of available housing sites**, plus an additional 5% to 20% buffer.
- **Rural housing** should be focused where it supports the vitality of rural communities
- **A transitional period of a year during which existing planning policies.**

5 Conclusions

- 5.1 The NPPF significantly changes national planning policy, but does not appear to radically change it in the way that it was perceived the Draft NPPF might.
- 5.2 The NPPF needs to be read and understood in the context of other changes in the planning system introduced by the Localism Act, including the dismantling of the strategic planning framework (most recently in the form of regional spatial strategies), and the substitution of a 'duty to co-operate' on strategic matters; and the introduction of a neighbourhood level of planning.
- 5.3 The brevity of the NPPF (compared to preceding national policy), the absence of a succinct definition of 'sustainable development', and the ambiguous approach to development that does not meet the definitions of sustainable, means that there is considerable uncertainty about the effects the NPPF may have on planning practice. This is only likely to be resolved over time through appeal (and perhaps court) decisions. Future amendments and supplements to the NPPF therefore seem likely.
- 5.4 The implications for the Broads Authority as local planning authority are anticipated to include the following albeit that not all are exclusive to the Broads Authority:
- A period of uncertainty as to the effective meaning and applicability of NPPF policies.
 - A likely greater need to mount arguments based on planning principles and general NPPF policies in order to protect and enhance the Broads.
 - A challenging prospect in meeting the combined requirements of the 'duty to cooperate' (from the Localism Act) and housing planning demands of the NPPF.
 - A potential need to update or supplement current elements of the Authority's development plans.

Background papers: National Planning Policy Framework, 2012
Draft National Planning Policy Framework, 2011

Author: John Clements
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Broads Plan Objectives: N/A

Appendices: None