

Draft National Planning Policy Framework: Consultation

A briefing from NAVCA

September 2011

About This Briefing

This briefing is provided on behalf of the Department for Education's overarching strategic partnership for voluntary, community and social enterprise sector organisations that serve children, young people and families. Led by Children England, and working with Community Matters, NCVYS, NAVCA, the Race Equality Foundation and Social Enterprise UK, the programme will include information, learning resources and opportunities, and peer support networks. For more information please [click here](#).

This briefing has been produced by NAVCA, the national voice of local support and development organisations in England. We champion and strengthen voluntary and community action by supporting our members in their work with over 160,000 local charities and community groups. For more details about the full range of ways that NAVCA can help you, please go to www.navca.org.uk or call us on 0114 278 6636.

This briefing includes information on the **draft national planning policy framework**. It is likely to be particularly relevant to organisations that are interested in the implications for children and young people of any local developments or changes in how space is used in their area. There are concerns that the proposals will undermine localism and local decision making and that pressure from central government – and from developers – may result in local councils being pitted against their own communities' wishes. This could result in planning decisions not being reflective of the needs of communities or the children and young people in them.

1. Introduction

1.1 The draft National Planning Policy Framework (NPPF)¹, published on 25 July 2011, sets out the government's proposals to ensure sustainable development in England. It stands alongside planning proposals about planning contained in the Localism Bill.

1.2 The NPPF is open to consultation² responses **until 17 October 2011**.

1.3 'Sustainable development' is defined in the NPPF as

- planning for prosperity (an economic role)
- planning for people (a social role)
- planning for places (an environmental role)

This is consistent with the new 'Best Value' statutory guidance³.

1.4 The NPPF will be statutory, which means that planning authorities must take it into account and will be open to challenge under Public Law if they cannot show that they have done so.

1.5 According to a parliamentary briefing⁴,

- The Government intends to replace all planning guidance with the NPPF in April 2012. The final version of this 52-page document will be the main factor in shaping planning policy, more so than the Localism Bill, which will probably become an Act in November 2011
- The Framework includes a presumption in favour of sustainable development
- Critics, led by the National Trust and the Campaign to Protect Rural England, have accused the document of handing over too much power to developers, reducing protection for rural England
- Supporters of the Framework welcome the radical simplification of planning guidance and argue that it contains the necessary safeguards, without restricting needed investment

¹ <http://www.communities.gov.uk/publications/planningandbuilding/draftframework>

² <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>

³ <http://www.communities.gov.uk/publications/localgovernment/bestvaluestatguidance>

The government is using the definition of 'Best Value' set out in the Local Government Act 1999, but intends that provisions should be implemented in the light of more recent discussions about environmental and social value – see <http://www.navca.org.uk/blog/view/best-value>

⁴ <http://www.parliament.uk/briefing-papers/SN06066>



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- The draft guidance can already be a material consideration in determining planning applications, but existing planning guidance remains in force
- The CLG Select Committee has started an inquiry into the NPPF, and will report by December 2011. The Environmental Audit Committee has started an inquiry into sustainable development in the NPPF

1.6 The NPPF is also intended to increase opportunities for home ownership, increasing the proportion of people who own their own homes.

1.7 The NPPF implements the Localism Bill's statutory Duty to Co-operate⁵, requiring that councils co-operate across local authority boundaries in the planning and delivery of local infrastructure and services to support new development.

2. The presumption in favour of sustainable development

2.1 The NPPF provides that development ought to be allowed unless it is contrary to the NPPF or a current Local Plan. This is intended to speed up planning decisions, to encourage more development and to encourage councils and communities to consult and co-operate in developing and maintaining Local Plans.

2.3 The role of Local Plans is central to the NPPF proposals and it is essential that communities are fully involved in their preparation. The NPPF and Local Plans will replace most existing national and local planning policy and guidance.

2.4 As outlined in the NPPF, Local Plans will

- identify local sites suitable for development
- identify local sites that should be protected from development
- give clear guidance on the sorts of development that will and will not be permitted, and where these will and will not be permitted
- set out priorities and policies on housing, economic and commercial development, health, security and community infrastructure, other local facilities and the environment
- be evidence-based, drawing on the kinds of assessments already made by councils around housing, availability of land, the environment and sustainability
- cover a period of around 15 years

⁵ http://www.publications.parliament.uk/pa/bills/lbill/2010-2012/0090/lbill_2010-20120090_en_9.htm#pt5-ch1-l1g98



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- be subject to independent inspection to ensure their conformity with NPPF, the Duty to Co-operate and any other relevant requirements

Will these provisions ensure the development of effective Local Plans? Please comment.

- 2.5 The presumption in favour of sustainable development will take precedence in areas that have failed to produce Local Plans, or where Local Plans are deficient or out of date.
- 2.6 In keeping with the principles of sustainability, the NPPF makes provisions for the protection of Green Belt areas and Areas of Outstanding Natural Beauty.
- 2.7 The presumption in favour of development is supported by the assertion that councils' primary role in the planning process is to foster sustainable development by giving significant weight to the benefits of economic and housing growth.
- 2.8 The NPPF also includes proposals for financial incentives to encourage the granting of planning permission, by enabling local areas to reap the benefits of development:
- The New Homes Bonus⁶ will provide for councils to keep the council tax raised through new homes being built for six years, and for the Government to match fund increases in Council Tax revenue
 - The Community Infrastructure Levy⁷ is a charge levied on developers to pay for infrastructure, local services and environmental enhancements
 - Councils will also be allowed to keep business rates levies above a fixed threshold set by central government⁸

- Could the centrally imposed presumption in favour of sustainable development overly empower developers and prevent local authorities from implementing the wishes of their local community?
- What safeguards should be put in place to ensure that local councils remain primarily accountable to their local communities rather than to central government or pressure from developers?
- Is this policy suggestion in keeping with the Government's localism agenda?

⁶ <http://www.communities.gov.uk/housing/housingsupply/newhomesbonus/>

⁷ <http://www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy/>

⁸ More information about Local Government Finance reforms: <http://www.navca.org.uk/local-government-finance-reform>



3. Community involvement

- 3.1 The NPPF supports the Localism Bill's neighbourhood planning proposals. If implemented as written, it will give communities greater opportunities to influence the sorts of development that will happen in local areas.
- 3.2 The NPPF requires councils to consult widely with their communities on Local Plans through early and meaningful engagement with local neighbourhoods, organisations and businesses.

How would you want to see the requirement for 'meaningful engagement' with communities implemented in practice?

- 3.3 Although there is no requirement for developers themselves to consult local communities, unless required to by law, the NPPF encourages local councils to support them in engaging local people in development design, and urges that planning proposals showing evidence of such engagement be assessed favourably.
- 3.4 **Neighbourhood Development Plans**
The NPPF provides for parish and town councils and neighbourhood forums to write Neighbourhood Development Plans (NDPs). These will provide the local development framework for a 10-year period and, in some circumstances, put measures in place to protect 'local green spaces' identified as being particularly important to the local community.
- 3.5 The government's stated intention is that "Communities will be able to use neighbourhood development plans to set policies for the development and use of land in their neighbourhoods."

How do you envisage your organisation or community using NDPs to set local policy?
What are the potential opportunities and challenges posed by Local Plans, NDPs and NDOs, especially for vulnerable groups such as gypsies and travellers?

- 3.6 **Neighbourhood Development Orders**
Communities will be able to hold referendums on Neighbourhood Development Orders (NDOs), granting planning permission for specific types of development in their local areas. NDOs will obviate standard planning applications, subject to winning a majority of votes and passing assessment by an independent examiner to ensure their conformity with national and local planning policies.
- 3.7 Local and neighbourhood plans and policy should be prepared having regard to the NPPF. The government accepts, however, that there may be local circumstances in which it is appropriate to depart from national planning policy. Such circumstances would, however, need to be supported by robust evidence.
- 3.8 The requirement to have Local Plans and NDOs approved by inspectors appears to contradict



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the government's stated commitment to localism (see also 2.2 above).

- 3.9 Proposed amendments to the Localism Bill that would reserve to the Secretary of State powers to overturn local planning decisions if in his/her view they conflict with national planning policy.

Should the Secretary of State have the power to overturn local planning decisions? Is this power in keeping with the Government's localism agenda?

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